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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 13th December, 1961:—

Issue No.	No. and Date	Issued by	Subject
297	S.O. 2918, dated 11th December, 1961.	Ministry of Information and Broadcasting.	Approval of films specified therein.
298	S.O. 2919, dated 13th December, 1961.	Ministry of Law	Appointing fifteenth day of December, 1961, as the date on which certain provisions of the Advocates Act, 1961, shall come into force.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 8th December 1961

S.O. 2984.—In exercise of the powers conferred by sub-section (1) of section 22 of the Representation of the People Act, 1951, and in supersession of its notification No. 434/2/56(1) dated the 7th January, 1957, the Election Commission hereby appoints each of the Officers specified in column 2 of the Table below to assist the Returning Officer for the Parliamentary Constituencies in the State

of Assam specified in the corresponding entry in column 1 of that Table in the performance of his functions:—

TABLE

Name of the Constituency			Assistant Returning Officer		
1			2		
1. Cachar	..	..	Additional Deputy Commissioner,		
			Cachar.		
2. Karimganj	..	..	Senior Extra Assistant Commissioner,		
			Karimganj.		
3. Autonomous Districts	..	..	Additional Deputy Commissioner,		
			United Khasi-Jaintia Hills.		
4. Dhubri	..	..	Additional Deputy Commissioner,		
			Goalpara.		
5. Goalpara	..	..	Senior Extra Assistant Commissioner,		
			Goalpara.		
6. Gauhati	..	..	Additional Deputy Commissioner,		
			Kamrup.		
7. Barpeta	..	..	Senior Extra Assistant Commissioner,		
			Barpeta.		
8. Darrang	..	..	Additional Deputy Commissioner,		
			Darrang.		
9. Nowgong	..	..	Additional Deputy Commissioner,		
			Nowgong.		
10. Jorhat	..	..	Additional Deputy Commissioner,		
			Sibsagar.		
11. Sibsaagar	..	..	Senior Extra Assistant Commissioner,		
			Sibsagar.		
12. Dibrugarh	..	..	Additional Deputy Commissioner,		
			Lakhimpur.		

[No. 434/AS/61(1).]

New Delhi, the 15th December 1961

S.O. 2985.—In exercise of the powers conferred by sub-section (1) of Section 22 of the Representation of the People Act, 1951 (XLIII of 1951), the Election Commission hereby makes the following amendment in the Table appended to its notification No. 434/PB/61(2), dated the 4th October, 1961, namely:—

Against item No. 263, in column No. 2, the entry "(iv) Tahsildar, Lahaul at Keylong" shall be added.

[No. 434/PB/61(2).]

By Order,

PRAKASH NARAIN, Secy.

New Delhi, the 16th December 1961

S.O. 2986.—In exercise of the powers conferred by section 21 of the Representation of the People Act, 1951, the Election Commission, in consultation with the Government of West Bengal, hereby makes the following amendment in its notification No. 434/WB/61, dated the 30th October, 1961, namely:—

In the Table appended to the said notification for the existing entries in column 2 against items nos. 16 and 17, the entry "Shri A. K. Das, Chief Judge, Small Cause Court, Calcutta" shall be substituted.

[No. 434/WB/61.]

By Order,

K. K. SETHI, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 14th December 1961

S.O. 2987.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1957, namely:—

1. These rules may be called the Central Civil Services (Classification, Control and Appeal) Ninth Amendment Rules, 1961.

2. In Part II of the Schedule to the Central Civil Services (Classification, Control and Appeal) Rules, 1957, under the heading "General Central Service, Class II", sub-heading "The Andaman and Nicobar Islands", for all the existing entries, the following shall be substituted, namely:—

1	2	3	4
"All posts.	Chief Commissioner.	Chief Commissioner.	All."

[No. F. 7/37/57-Ests(A).]

B. D. JAYAL, Dy. Secy.

New Delhi, the 14th December 1961

S.O. 2988.—In exercise of the powers conferred by clause (a) of rule 8B of Order XXVII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908), the Central Government hereby appoints the person specified in the second column of the Schedule annexed hereto as Government Pleader for purposes of the said Order in relation only to hand acquisition cases where land is acquired under the scheme of large scale acquisition development and disposal of land currently undertaken by the Delhi Administration, in any court specified in the first column of the said Schedule.

Courts (1)	Officer (2)
(a) Circuit bench of the Punjab High Court, Delhi.	Shri Raj Lal, Legal Adviser-cum-Standing Counsel, Land and Housing Department, Delhi Administration, Delhi.
(b) Other Courts in Delhi.	Do.

[No. F. 32/60/61-Delhi(S).]

A. V. VENKATASUBBAN, Dy. Secy.

New Delhi, the 15th December 1961

S.O. 2989.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendments in the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 628, dated the 28th February, 1957, namely:—

In the Schedule to the said notification—

(1) in Part II, under the heading "Delhi Special Police Establishment", the sub-heading "Head Office and Branches" and the entries relating thereto shall be omitted;

(2) in Part III, under the heading "Delhi Special Police Establishment", the sub-heading "Head Office and Branches" and the entries relating thereto shall be omitted.

[No. F. 15/14/61-VIG.]

S.O. 2990.—In exercise of the powers conferred by sub-rule (3) of rule 3 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendment in the notification of the Government of India in the Ministry of Home Affairs No. S.R.O. 609, dated the 28th February, 1957, namely:—

In the said notification, after the existing headings and entries relating thereto, the following heading and entry shall be inserted, namely:—

“Ministry of Home Affairs

Police officers upto the rank of Inspector of Police in the Delhi Special Police Establishment”.

[No. F. 7/24/61-Ests(A).]

S.O. 2991.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal) Rules, 1957, namely:—

1. These rules may be called the Central Civil Services (Classification, Control and Appeal) Tenth Amendment Rules, 1961.

2. In clause (i) of sub-rule (2) of rule 20 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the words “or on the Delhi Special Police Establishment” and “or Inspector of Police” shall be omitted.

[No. F. 7/24/61-Ests(A).]

S.O. 2992.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules, namely:—

THE DELHI SPECIAL POLICE ESTABLISHMENT (SUBORDINATE RANKS) (DISCIPLINE AND APPEAL) RULES, 1961.

PART I—GENERAL

1. **Short Title.**—These rules may be called the Delhi Special Police Establishment (Subordinate Ranks) (Discipline and Appeal) Rules, 1961.

2. **Application.**—These rules shall apply to all subordinate Police Officers in the Delhi Special Police Establishment.

3. **Definitions.**—In these rules, unless the context otherwise requires—

(a) ‘Appointing Authority’ in relation to a subordinate police officer means—

(i) the authority empowered to make appointment to the rank or post which the subordinate police officer for the time being holds, or

(ii) the authority which appointed the subordinate police officer to such rank or post, or

(iii) where the subordinate police officer having substantively held any other permanent rank or post, has been in continuous employment of Government, the authority which appointed him to that rank or post, whichever authority is the highest authority;

(b) ‘Disciplinary Authority’ in relation to the imposition of a penalty on a subordinate Police Officer means the authority competent under these rules to impose on him that penalty;

(c) ‘Inspector General of Police’ means the Inspector General of Police, Delhi Special Police Establishment;

(d) ‘Subordinate Police Officer’ means a person who is appointed to any rank or post specified in the Schedule and includes any such person who is on foreign service or whose services are temporarily placed at the disposal of any other department of the Central Government or of a State Government or a Union Territory or a local or other authority and also any person in the service of any other department of the Central Government or of a State Government or a Union Territory or a local or other authority whose services are temporarily placed at the disposal of the Delhi Special Police Establishment and who is appointed to any rank or post specified in the Schedule; and

(e) ‘Schedule’ means the Schedule to these rules.

4. Appointments.—All appointments to the ranks or posts mentioned in column 1 of the schedule shall be made by the authorities mentioned against each in column 2 thereof.

PART II—SUSPENSION

5. Suspension.—(1) A subordinate police Officer may be placed under suspension by the Appointing Authority or any authority to which it is subordinate or any authority competent under these rules to impose on that officer any of the penalties specified in rule 6—

- (a) where a disciplinary proceeding against him is contemplated or is pending, or
- (b) where a case against him in respect of any criminal offence is under investigation or trial;

Provided that where the order of suspension is made by an authority lower than the Appointing Authority such authority shall forthwith report to the Appointing Authority the circumstances in which the order was made.

(2) A subordinate Police Officer who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours shall be deemed to have been suspended with effect from the date of detention by an order of the Appointing Authority and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Subordinate Police Officer under suspension is set aside in appeal or on review under these rules and the case is remitted for further enquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Subordinate Police Officer is set aside or declared or rendered void in consequence of or by a decision of a court of law and the Disciplinary Authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed the Subordinate Police Officer shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders.

(5) An order of suspension made or deemed to have been made under this rule may at any time be revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

PART III—DISCIPLINE

6. Nature of Penalties.—The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on any Subordinate Police Officer namely:—

- (i) fatigue duty (In the case of Constables only);
- (ii) extra guard duty (in the case of Head Constables and Constables only);
- (iii) black-mark;
- (iv) censure;
- (v) withholding of increments or promotion;
- (vi) recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders;
- (vii) reduction to a lower rank or post, or to a lower time-scale; or to a lower stage in a time-scale;
- (viii) compulsory retirement;
- (ix) removal from service which shall not be a disqualification for future employment;
- (x) dismissal from service which shall ordinarily be a disqualification for future employment.

Explanation.—The following shall not amount to a penalty within the meaning of this rule:

- (i) withholding of increments of a Subordinate Police Officer for failure to pass a departmental examination in accordance with the rules or orders governing the rank or post or the terms of his appointment;
- (ii) stoppage of a Subordinate Police Officer at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- (iii) non-promotion, whether in a substantive or officiating capacity, of a Subordinate Police Officer after consideration of his case, to a rank or post for promotion to which he is eligible;
- (iv) reversion to a lower rank or post of a Subordinate Police Officer officiating in a higher rank or post on the ground that he is considered, after trial, to be unsuitable for such higher rank or post or on administrative grounds unconnected with his conduct;
- (v) reversion to his permanent rank or post of a Subordinate Police Officer appointed on probation to another rank or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing probation;
- (vi) replacement of the services of a Subordinate Police Officer at the disposal of the authority which had lent his services;
- (vii) compulsory retirement of a Subordinate Police Officer in accordance with the provisions relating to his superannuation or retirement;
- (viii) termination of the services—
 - (a) of a Subordinate Police Officer appointed on probation, during or at the end of the period of probation, in accordance with the terms of his appointment or the rules and orders governing probation; or
 - (b) of a temporary Subordinate Police Officer in accordance with rule 5 of the Central Civil Services (Temporary Services) Rules, 1949; or
 - (c) of a Subordinate Police Officer employed under an agreement, in accordance with the terms of such agreement.

7. Disciplinary Authorities.—(1) The Inspector General of Police may impose any of the penalties specified in rule 6 on any Subordinate Police Officer.

(2) Without prejudice to the provisions of sub-rule (1), but subject to the provisions of sub-rule (3), any of the penalties specified in rule 6 may be imposed on a Subordinate Police Officer by the appointing authority or the authority specified in the Schedule in this behalf.

(3) Notwithstanding anything contained in this rule, no penalty specified in clauses (vii) to (x) of rule 6 shall be imposed by an authority subordinate to the Appointing Authority on any subordinate police officer.

8. Procedure for imposing major penalties.—(1) Without prejudice to the provisions of the Public Servants (Inquiries) Act, 1850 (37 of 1850), no order imposing on a Subordinate Police Officer any of the penalties specified in clauses (vii) to (x) of rule 6 shall be passed except after an inquiry, held as far as may be, in the manner hereinafter provided.

(2) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegations on which they are based shall be communicated in writing to the Subordinate Police Officer and he shall be required to submit, within such time as may be specified by the Disciplinary Authority,

(a) to such Authority, or,

(b) where a Board of Inquiry or Inquiring Officer has been appointed under sub-rule (3), to that Board or Officer,

a written statement of his defence and also to state whether he desires to be heard in person.

Explanation.—In this sub-rule and in sub-rule (4) the expression “the Disciplinary Authority” shall include the authority competent under these rules to impose upon such Subordinate Police Officer any of the penalties specified in clauses (iii) to (vi) of rule 6.

(3) The Disciplinary Authority may inquire into the charges itself or, if it considers it necessary so to do, it may either at the time of communicating the charges to the Subordinate Police Officer under sub-rule (2) or at any time thereafter, appoint a Board of Inquiry or Inquiring Officer for the purpose.

(4) The Subordinate Police Officer shall for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the Disciplinary Authority such records are not relevant for the purpose or it is against the public interest to allow him access thereto.

(5) On receipt of the written statement of defence, or if no such statement is received within the time specified, the authority inquiring into the charges under sub-rule (3) (hereinafter referred to as the inquiring authority) may inquire into such of the charges as are not admitted.

(6) The inquiring authority shall, in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The Subordinate Police Officer shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person and to examine witnesses in his defence. If the Inquiring Authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(7) At the conclusion of the inquiry, the Inquiring Authority shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such Authority the proceedings of the inquiry establish charges different from those originally framed, it may record findings on such charges: Provided that findings on such charges shall not be recorded unless the Subordinate Police Officer has admitted the facts constituting them or has had an opportunity of defending himself against them.

(8) The record of the inquiry shall include:—

- (i) the charges framed against the Subordinate Police Officer and the statement of allegations communicated to him under sub-rule (2);
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in the course of the inquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry; and
- (vi) a report setting out the finding on each charge and the reasons therefor.

(9) The Disciplinary Authority shall, if it is not the Inquiring Authority consider the record of the inquiry and record its findings on each charge.

(10) (i) If the Disciplinary Authority, having regard to its findings on the charges, is of the opinion that any of the penalties specified in clauses (vii) to (x) of rule 6 should be imposed, it shall—

- (a) furnish to the Subordinate Police Officer a copy of the report of the Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement if any, with the findings of the Inquiring Authority; and
 - (b) give him a notice stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed action.
- (ii) The Disciplinary Authority shall consider the representation, if any, made by the Subordinate Police Officer in response to the notice under clause (i) and determine what penalty, if any, should be imposed on the Subordinate Police Officer and pass appropriate orders on the case.
- (11) If the Disciplinary Authority having regard to its findings, is of the opinion that any of the penalties specified in clauses (iii) to (vi) of rule 6 should be imposed, it shall pass appropriate orders in the case:

(12) Orders passed by the Disciplinary Authority shall be communicated to the Subordinate Police Officer who shall also be supplied with a copy of the report of the Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority, unless they have already been supplied to him.

9. Procedure for imposing minor penalties.—(1) In every case where it is proposed to impose on a Subordinate Police Officer any of the penalties mentioned in clauses (i) and (ii) of rule 6, he shall be given an opportunity of explaining orally his conduct against the action proposed to be taken in regard to him. This explanation and the orders passed will be briefly recorded by the officer imposing the penalty or penalties in a register maintained for this purpose.

(2) No order imposing any of the penalties specified in clauses (iii) to (vi) of rule 6 shall be passed except after—

- (a) the Subordinate Police Officer is informed in writing of the proposal to take action against him of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make; and
 - (b) such representation, if any is taken into consideration by the Disciplinary Authority.
- (3) The record of proceedings in cases under sub-rule (2) shall include—
- (i) a copy of the intimation to the Subordinate Police Officer of the proposal to take action against him;
 - (ii) a copy of the statement of allegations communicated to him;
 - (iii) his representation, if any, and
 - (iv) the orders on the case together with the reasons therefor.

(4) Orders passed by the Disciplinary Authority shall be communicated to the Subordinate Police Officer.

10. Joint inquiry.—(1) Where two or more Subordinate Police Officers are concerned in any case, the President or the Inspector General of Police or any other authority competent to impose the penalty of dismissal from service on all such Subordinate Police Officers may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

(2) Subject to the provisions of sub-rule (3) of rule 7, any such order shall specify—

- (i) the authority which may function as the Disciplinary Authority for the purpose of such common proceeding;
- (ii) the penalties specified in rule 6 which such Disciplinary Authority shall be competent to impose; and
- (iii) whether the procedure prescribed in rule 8 or rule 9 may be followed in the proceeding.

11. Special procedure in certain cases.—Notwithstanding anything contained in rules 8, 9 and 10—

- (i) where a penalty is imposed on a Subordinate Police Officer on the ground of conduct which has led to his conviction on a criminal charge; or
- (ii) where the Disciplinary Authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to follow the procedure prescribed in these rules, or
- (iii) where the President is satisfied that in the interest of the security of the State it is not expedient to follow such procedure,

the Disciplinary Authority may consider the circumstances of the case and pass such orders thereon as it deems fit.

12. Provisions regarding Officers lent to State Governments etc.—(1) where the services of a Subordinate Police Officer are lent to any other Department of the Central Government or to a State Government or Union Territory or to a local or other authority (hereinafter in this rule referred to as "the borrowing authority") the borrowing authority shall have the powers of the Appointing Authority for the purpose of placing him under suspension and of the Disciplinary Authority for the purpose of taking disciplinary proceedings against him;

Provided that the borrowing authority shall forthwith inform the authority which lent his services (hereinafter in this rule referred to as "the lending authority") of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding as the case may be, except in respect of proceedings under rule 9.

(2) In the light of the findings in the disciplinary proceedings taken against the Subordinate Police Officer,

- (i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (vi) of rule 6 should be imposed on him, it may pass such order on the case as it deems necessary;
- (ii) if the borrowing authority is of the opinion that any of the penalties specified in clauses (vii) to (x) of rule 6 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and the coupon the lending authority may, if it is the Disciplinary Authority, pass such orders thereon as it deems necessary, or, if it is not the Disciplinary Authority, submit the case to the Disciplinary Authority which shall pass such orders on the case as it deems necessary;

Provided that in passing any such order the Disciplinary Authority shall comply with the provisions of sub-rules (10) and (11) of rule 8.

Explanation.—The Disciplinary Authority may make an order under this clause on the record of the inquiry transmitted by the borrowing authority, or after holding such further inquiry as it may deem necessary.

13. Provision regarding Officers borrowed from State Government etc.—(1) Where an order of suspension is made or a disciplinary proceeding is taken against a Subordinate Police Officer whose services have been borrowed from a State Government, a Union Territory, a local or other authority, the authority lending his services (hereinafter in this rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceedings taken against the Subordinate Police Officer—

- (i) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (i) to (vi) of rule 6 should be imposed on him it may, pass such orders on the case as it deems necessary;
- (ii) if the Disciplinary Authority is of the opinion that any of the penalties specified in clauses (vii) to (x) of rule 6 should be imposed on him, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action as it deems necessary.

(3) Notwithstanding anything contained in clause (i) of sub-rule (2) when the Disciplinary Authority is of opinion that a subordinate police officer whose services have been borrowed from a State Government or a Union Territory is guilty of misconduct so as to warrant the imposition of any of the penalties specified in clauses (vii) to (x) of rule 6 it may at its discretion revert such subordinate police officer to the lending authority without holding an inquiry at all and report the details of the case to the lending authority for such action as it deems necessary.

PART IV—APPEALS

14. Appeals against orders of suspension.—A Subordinate Police Officer may appeal against an order of suspension to the authority to which the authority which made or is deemed to have made the order is immediately subordinate.

15. Appeals against orders imposing penalties.—(1) A subordinate Police Officer may appeal against an order of the Inspector General of Police imposing upon him any of the penalties specified in clauses (iii) to (x) of rule 6 to the Secretary to the Government of India, Ministry of Home Affairs.

(2) Subject to the provisions contained in sub-rule (1), a Subordinate Police Officer may appeal against an order imposing upon him any of penalties specified in clauses (ii) to (x) of rule 6 to the authority specified in this behalf in the Schedule.

(3) No appeal shall lie against an order imposing any of the penalties specified in clauses (i) and (ii) of Rule 6.

Explanation.—In this rule the expression "Subordinate Police Officer" includes a person who has ceased to hold any rank or post mentioned in the Schedule.

16. Appeal against other orders.—(1) A Subordinate Police Officer may appeal against an order which—

- (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by any rules or by agreement, or
- (b) interprets to his disadvantage the provisions of any such rule or agreement,

to the President, if the order is passed by the authority which made the rules or agreement as the case may be, or by any authority to which such authority is subordinate, and to the authority which made such rules or agreement, if the order is passed by any other authority.

(2) An appeal against an order—

- (a) stopping a Subordinate Police Officer at the efficiency bar in the time-scale on the ground of his unfitness to cross the bar;
- (b) reverting to a lower rank or post, a Subordinate Police Officer officiating in a higher rank or post, otherwise, than as a penalty;
- (c) reducing or withholding the pension or denying the maximum pension admissible under the rules; and
- (d) determining the pay and allowances for the period of suspension to be paid to a Subordinate Police Officer on his reinstatement or determining whether or not such period shall be treated as a period spent on duty for any purpose.

shall lie to the authority to whom the authority passing such order is immediately subordinate.

Explanation.—In this rule:—

- (i) the expression, 'Subordinate Police Officer' includes a person who has ceased to hold a rank or post mentioned in the Schedule;
- (ii) the expression 'pension' includes additional pension, gratuity and any other retirement benefit.

17. Period of limitation for appeals.—No appeal under this Part shall be entertained unless it is submitted within a period of three months from the date on which the appellant receives a copy of the order appealed against:

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not submitting the appeal in time.

18. Form and contents of appeal.—(1) Every person submitting an appeal shall do so separately and in his own name.

(2) The appeal shall be addressed to the authority to whom the appeal lies, shall contain all material statements and arguments on which the appellant relies; shall not contain any disrespectful or improper language, and shall be complete in itself.

19. Submission of appeals.—Every appeal shall be submitted to the authority which made the order appealed against:

Provided that if such authority is not the head of the office in which the appellant may be serving, or if he is not in service, the head of the office in which he was last serving, or is not subordinate to the head of such office, the appeal shall be submitted to the head of such office who shall forward it forthwith to the said authority;

Provided further that copy of the appeal may be submitted direct to the appellate authority.

20. Withholding of appeals.—(1) The authority which made the order appealed against may withhold the appeal if—

- (i) it is an appeal against an order from which no appeal lies; or
- (ii) it does not comply with any of the provisions of rule 18, or
- (iii) it is not submitted within the period specified in rule 17 and no cause is shown for the delay; or

- (iv) it is a repetition of an appeal already decided and no new facts or circumstances are adduced:

Provided that an appeal withheld on the ground only that it does not comply with the provisions of rule 18 shall be returned to the appellant and, if resubmitted within one month thereof after compliance with the said provisions, shall not be withheld.

(2) Where an appeal is withheld, the appellant shall be informed of the fact and the reasons therefor.

(3) At the commencement of each quarter a list of the appeals withheld by any authority during the previous quarter, together with the reasons for withholding them, shall be furnished by that authority to the appellate authority.

Explanation.—"Quarter" means a period of three months commencing on the first of January, the first of April, the first of July and the first of October of each year.

21. Transmission of Appeals.—(1) The authority which made the order appealed against shall, without any avoidable delay, transmit to the appellate authority every appeal which is not withheld under rule 20, together with its comments thereon and the relevant records.

(2) The authority to which the appeal lies may direct transmission to it of any appeal withheld under rule 20 and thereupon such appeal shall be transmitted to that authority together with the comments of the authority withholding the appeal and the relevant records.

22. Consideration of appeals.—(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 5 and having regard to the circumstances of the case the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 6, except those specified in clauses (i) and (ii) the appellate authority shall consider—

- (a) whether the procedure prescribed in these rules has been complied with and if not, whether such non-compliance has resulted in violation of any provisions of the Constitution or in failure of justice;
- (b) whether the findings are justified; and
- (c) whether the penalty imposed is excessive, adequate or inadequate;

and pass orders—

- (i) setting aside, reducing, confirming or enhancing the penalty; or
- (ii) remitting the case to the authority which imposed the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case;

Provided that—

- (i) the appellate authority shall not impose any enhanced penalty which neither such authority nor the authority which made the order appealed against is competent in the case to impose;
- (ii) no order imposing an enhanced penalty shall be passed unless the appellant is given an opportunity of making any representation which he may wish to make against such enhanced penalty; and
- (iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (vii) to (x) of rule 6 and an inquiry under rule 8 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 11, itself hold such inquiry or direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry, and after giving the appellant an opportunity of making any representation which he may wish to make against such penalty, pass such orders as it may deem fit.

(3) In the case of an appeal against any order specified in rule 16, the appellate authority shall consider all the circumstances of the case and pass such orders as it deems just and equitable.

23. Implementation of orders in appeal.—The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

24. Forwarding of appeal to higher authority in certain cases.—Notwithstanding anything contained in this Part, where the person who made the order appealed against becomes by virtue of his subsequent appointment or otherwise, the appellate authority in respect of the appeal against such order, such person shall forward the appeal to the authority to which he is immediately subordinate and such authority shall, in relation to the appeal, be deemed to be the appellate authority for the purposes of these rules.

PART V—REVIEW

25. Review by the Inspector General of Police, Delhi Special Police establishment.—The Inspector General of Police, if he is not the authority to which an appeal against an order imposing any of the penalties specified in Rule 6 lies, may, of his own motion or otherwise, call for the records of the case in a disciplinary proceeding, review any order passed in such a case, and—

- (a) confirm, modify or set aside the order;
- (b) impose any penalty or set aside, reduce, confirm, or enhance the penalty imposed by the order;
- (c) remit the case to the authority which made the order or to any other authority directing such further action or enquiry as he considers proper in the circumstances of the cases; or
- (d) pass such other order as he deems fit;

Provided that—

- (i) an order enhancing the penalty shall not be passed unless the person concerned has been given an opportunity of making any representation which he may wish to make against such enhanced penalty;
- (ii) if the Inspector General of Police proposes to impose any of the penalties specified in clauses (vii) to (x) of Rule 6 in a case where an inquiry under Rule 8 has not been held, he shall, subject to the provisions of Rule 11, direct that such inquiry be held and thereafter on consideration of the proceedings of such inquiry and after giving the person concerned an opportunity of making any representation against such penalty, pass such order as he may deem fit; and
- (iii) no action under this rule shall be initiated by the Inspector General of Police, more than two years after the date of the order to be reviewed.

26. Review by Appellate Authority.—The authority to which an appeal against an order imposing any of the penalties specified in Rule 6 lies, may of its own motion or otherwise and if no appeal has been preferred call for the records of the case in a disciplinary proceeding, review any order passed in such a case, and pass such orders as it deems fit, as if the Subordinate Police Officer had preferred an appeal against such order;

Provided that—

no action under this rule shall be initiated more than six months after the date of the order to be reviewed.

PART VI—MISCELLANEOUS

27. The Central Civil Services (Classification, Control and Appeal) Rules, 1957, not to apply to subordinate Police Officers.—(1) The Central Civil Services (Classification, Control and Appeal) Rules, 1957, and any notifications issued and orders made thereunder shall cease to apply to all subordinate police officers:

Provided that—

- (a) such cessation shall not affect the previous operation of the said rules, notifications and orders or anything done or any action taken thereunder;
- (b) any proceeding under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of, as far as may be, in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any subordinate police officer of any right of appeal which had accrued to him under the Central Civil

Services (Classification, Control and Appeal) Rules, 1957, or any notifications or orders issued thereunder in respect of any order passed before the commencement of these rules.

(3) An appeal pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed in accordance with these rules.

28. Special provision by Agreement.—Where it is considered necessary to make special provisions in respect of a Subordinate Police Officer inconsistent with any of these rules, the authority making the appointment may, with the previous approval of the President and by agreement with such Subordinate Police Officer, make such special provisions and thereupon these rules shall not apply to such subordinate police officer to the extent to which the special provisions so made are inconsistent therewith.

29. Removal of Doubts.—Where a doubt arises as to the interpretation or application of any of the provisions of these rules, the matter shall be referred to the President whose decision thereon shall be final.

SCHEDULE

Description of rank or post	Appointing Authority	Authority empowered to impose penalties and penalties which it may impose.		
		Authority	Penalties	Appellate Authority
1	2	3	4	5
			(i) Fatigue duty (in the case of Constables only) ; (ii) Extra Guard Duty (in the case of Head Constables and Constables only); (iii) Black Mark ; (iv) Censure ; (v) Withholding of increments or promotion ; (vi) Recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders ; (vii) Reduction to a lower rank or post or to a lower time-scale or to a lower stage in a time-scale ; (viii) Compulsory Retirement ; (ix) Removal from service which shall not be a disqualification for future employment ; (x) Dismissal from service which shall ordinarily be a disqualification for future employment.	

DELHI SPECIAL POLICE ESTABLISHMENT.

(Subordinate Ranks)

1	Inspectors including Technical Inspectors, Assistant Public Prosecutors Grade—I.	Deputy Inspector General of Police.	(1) Supdt. or Police/Assistant Inspector General of Police. (2) Deputy Inspector General of Police.	(iii) to (vi). All.	1. Deputy Inspector General of Police. 2. Inspector General of Police.
2	Sub-Inspectors including Technical Sub-Inspectors, Assistant Public Prosecutors Grade—II and Assistant Sub-Inspectors.	Deputy Inspector General of Police.	(1) Supdt. of Police/Assistant Inspector General of Police. (2) Deputy Inspector General of Police.	(iii) to (vi). All.	1. Deputy Inspector General of Police. 2. Inspector General of Police
3	Head Constables	Superintendent of Police/Assistant Inspector General of Police.	(1) Deputy Superintendent of Police. (2) Superintendent of Police/Assistant Inspector General of Police.	(ii). All.	1. No Appeal allowed. 2. Deputy Inspector General of Police.
4	Constables	Superintendent of Police/Assistant Inspector General of Police.	(1) Deputy Superintendent of Police. (2) Superintendent of Police/Assistant Inspector General of Police.	(i) and (ii). All.	1. No Appeal allowed. 2. Deputy Inspector General of Police.

- NOTE.—(1) In respect of Subordinate Police Officer attached to Headquarters of the Delhi Special Police Establishment, the Assistant Inspector General of Police will exercise the powers of the Superintendents of Police as noted above.
- (2) In particular cases in which the Inspector General of Police was actually the appointing authority, the punishments at items (vii), (viii), (ix) and (x) will be awarded by him.

[No. 15/18/59-AVD.]

T. C. A. RAMANUJACHARI, Dy. Secy.

New Delhi, the 18th December 1961

S.O. 2993.—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the powers and functions of the State Government under the Road Transport Corporations Act, 1950 (64 of 1950), except those under sections 14, 23, 24, 25, 26, 27, 28, 29, 30, 33, 35, 37, 38, 39, 44, 46 and 47A shall, subject to the control of the President and until further orders, be exercised and discharged by the Lt. Governor of the Union territory of Himachal Pradesh and the Chief Commissioner of the Union territory of Tripura within their respective jurisdiction.

[No. F. 2/12/61-Judl.II.]

K. R. PRABHU, Dy. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 14th. December 1961

S.O. 2994.—In pursuance of sub-sections (3) and (5) of Section 11 of the Port Haj Committees Act, 1932 (XX of 1932), the election of Captain M. A. Golan-daz as Chairman of the Port Haj Committee, Bombay, at the meeting of the committee held on the 30th October 1961, is hereby approved and notified.

[No. F. 32-A(21)WANA/61.]

B. C. MISHRA, Dy. Secy.

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 9th December 1961

S.O. 2995.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules 1958 (published as S.O. 2614 in the Gazette of India, dated the 20th December, 1958), namely:—

Amendment No. 102

In Schedule I to the Rules, under "D-Ministry of Finance (Economic Affairs Department)", insert the following:—

"10. General Manager, Security Paper Mill Project, New Delhi."

(This amendment takes effect from the 1st November, 1961).

[No. F.19(11)-EII(A)/61.]

S.O. 2996.—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President is pleased to make the following amendment in the Delegation of Financial Powers Rules, 1958 (published as S.O. 2614 in the Gazette of India, dated the 20th December, 1958), namely:—

Amendment No. 103

In Schedule VII to the Rules, against the entry "Loss of revenue" relating to the powers of 'Heads of Departments' in column 1, the following new entry may be inserted in columns 2 and 3:—

Column 2

(viii) Controller of the
Films Division.

Column 3

200 (For irrecoverable rentals
of films for a period not
exceeding six months in each
case, due from cinema ex-
hibitors).

[No. F.12(43)-EII(A)/61.]

C. R. KRISHNAMURTHI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 13th December 1961

S.O. 2997.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the Schedule to the said Act, the name of the following Public Institution, namely:—

“Rajasthan Financial Corporation incorporated under the State Financial Corporations Act 1951 (63 of 1951)”.

[No. F. 6(19)-Corp/60.]

S.O. 2998.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that provisions of the said Act shall apply to any Provident Fund established for the benefit of the employees of the Rajasthan Financial Corporation incorporated under the State Financial Corporations Act, 1951 (63 of 1951).

[No. F. 6(19)-Corp/60.]

M. K. VENKATACHALAM, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 15th December 1961

S.O. 2999.—In exercise of the powers conferred by sub-section (7) of section 35 of the State Bank of India, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank, hereby directs that for the purpose of the conduct of the business of the Bank of Baghelkhand acquired by the State Bank of India under section 35 of the said Act, during the period between the 23rd December, 1961 and the 22nd December, 1964 both days inclusive—

(1) Section 33 of the State Bank of India Act shall apply as if:—

(a) Clause (i) has been substituted by the following clause namely “(i) the advancing and lending of money and the opening of cash credits with or without security”; and

(b) In clause (iv), the words “upon any of the securities specified in sub-clauses (a) to (d) of clause (i)” have been omitted and for the words “for or into any of the other investments above specified” the words “for and into any other investments” have been substituted.

(2) The State Bank shall be exempt from Clauses (a) and (c) of sub-section (1) of section 34 and Clause (a) and sub-clause (ii) of clause (b) of sub-section (3) of that Section, in so far as they preclude the State Bank from—

(i) continuing or realising the loans or advances made for a period longer than six months or made against the security of immovable property;

(ii) continuing or realising the loans or advances made against any negotiable instrument which does not carry on it the several responsibilities of at least two persons or firms unconnected with each other in general partnership or does not mature within six months of the date of the loan or advance.

[No. F. 4/92/61-SB.]

New Delhi, the 18th December 1961

S.O. 3000.—In exercise of the powers conferred by sub-section (7) of Section 35 of the State Bank of India Act 1955 (23 of 1955), as amended from time to time, and in continuation of the Notification No. F. 4(6)-FI/RO/57, dated the 20th January 1959, the Central Government, in consultation with the Reserve Bank, hereby exempts the State Bank of India for the period from the 24th January 1962 to the 23rd January 1965, both days inclusive, from the provision of clauses (a) and (c) of sub-section (1) of Section 34 of the said Act, in so far as they preclude the State Bank from—

(a) continuing or realising the advances against the security of immovable property made by the Manipur State Bank and taken over by the State Bank under the terms and conditions of acquisition by the

State Bank of the business of the Manipur State Bank sanctioned under sub-section (2) of the said Section 35 by the Central Government by an order in writing dated the 16th May, 1958 and

- (b) making against the security of immovable property against which the advances referred to above have been made, such further advances as the State Bank may consider necessary or expedient for ensuring or facilitating the recovery of the advances made by the Manipur State Bank and realising such further advances.

[No. F. 4/6/60-SB.]

R. K. SESHADRI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 23rd December, 1961

S.O. 3001.—Statement of the Affairs of the Reserve Bank of India, as on the 8th December, 1961

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	12,37,54,000
Reserve Fund	80,00,00,000	Rupee Coin	1,95,000
National Agricultural Credit (Long-term Operations) Fund	50,00,00,000	Subsidiary Coin	2,52,000
National Agricultural Credit (Stabilisation) Fund	6,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal . . . . .	..
		(b) External . . . . .	..
		(c) Government Treasury Bills	32,09,07,000
Deposits :—			
(a) Government		Balances held abroad*	29,93,10,000
(1) Central Government	53,76,30,000	**Loans and Advances to Governments	72,10,34,000
(2) Other Governments	10,18,69,000	Other Loans and Advances†	132,35,98,000
(b) Banks	74,33,05,000	Investments	179,62,90,000
(c) Others	147,14,00,000	Other Assets	25,43,06,000
Bills Payable	20,78,58,000		
Other Liabilities	36,75,84,000		
RUPEES	483,96,46,000	RUPEES	483,96,46,000

*Includes Cash & Short-term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 70,00,000/- advanced to scheduled banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

Dated the 13th day of December, 1961.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 8th day of December, 1961

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	12,37,54,000		A. Gold Coin and Bullion :-		
Notes in circulation	1947,89,33,000		(a) Held in India	117,76,03,000	
Total Notes issued		1960,26,87,000	(b) Held outside India . . . .	..
			Foreign Securities	116,86,07,000	
			TOTAL OF A		234,62,10,000
			B. Rupee Coin		121,81,32,000
			Government of India Rupee Securities		1603,83,45,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES		1960,26,87,000	TOTAL ASSETS		1960,26,87,000

Dated the 13th day of December, 1961.

B. VENKATAPPAH,
Governor.

[No. F. 3(2)-BC/61.]

A. BAKSI, Jt. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 18th December 1961

S.O. 3002.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 (No. 35-Income-tax dated the 22nd April, 1958,) namely:—

In the said Schedule under the sub-head “XI-Mysore” against ‘A’ Range, Bangalore, the following shall be substituted for the existing entries:—

“A” Range, Bangalore.

1. Bangalore City Circle I.
2. Mysore Circle.
3. Tumkur Circle.
4. Mangalore Circle.
5. Udipi Circle
6. Rural Circle, Bangalore.
7. Coorg Circle.
8. Gulbarga Circle.
9. Raichur Circle.
10. Estate Duty-cum-Income-tax Circle, Mangalore.

The notification shall have effect from 26th December, 1961.

EXPLANATORY NOTE

NOTE.—The amendments have become necessary on account of the creation of a new Estate Duty-cum-Income-tax Circle at Mangalore in the charge of the Commissioner of Income-tax, Mysore.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 84 (F. No. 50/13/61-IT.)

D. V. JUNNARKAR, Under Secy.

CENTRAL EXCISE COLLECTORATE, BARODA

CENTRAL EXCISE

MANUFACTURE PRODUCTS

Baroda, the 6th November 1961

S.O. 3003.—Attention is invited to Collectorate Central Excise, Manufactured Products Notification No. 1, dated 22nd March 1961.

2. For the existing entries in Column 6, against Serial Nos. 6(i), (ii) and (iii), the following may be substituted namely:—

“Adjudicating Officers in accordance with their limits of powers”.

[No. 5/61.]

Baroda, the 1st December 1961

S.O. 3004.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the Assistant Collectors of Central Excise in Baroda Collectorate to exercise, within their respective jurisdictions, the powers of “Collector” enumerated under sub-rule 9 of Rule 191-A of Central Excise Rules, 1944.

[No. 6/1961.]

S.O. 3005.—In exercise of the powers conferred on me under Rule 233 of the Central Excise Rules, 1944, I hereby authorise the Superintendents of Central Excise in Baroda Collectorate to allow adjustment of the balance of deposit made under Rule 96MM(2)(ii) of the Central Excise Rules, 1944 against the duty liability of the manufacturer for the succeeding months.

[No. 7/1961.]

S.O. 3006.—In pursuance of para 5 of Government of India, Ministry of Finance (Department of Revenue)'s Notification No. 53/59-Central Excises dated 9th May, 1959 issued under Rule 191-B of the Central Excise Rules, 1944, I hereby authorise the Superintendents of Central Excise in Baroda Collectorate to be the "proper officers" in their respective jurisdictions.

[No. 8/1961.]

S.O. 3007.—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I hereby empower the Superintendents of Central Excise in Baroda Collectorate to exercise within their respective jurisdictions the powers of "Collector" enumerated under para 4 of the Government of India, Ministry of Finance (Department of Revenue)'s Notification No. 53/59-Central Excises, dated 9th May, 1959 issued under Rule 191-B of Central Excise Rules, 1944.

[No. 9/1961.]

R. PRASAD, Collector.

MINISTRY OF COMMERCE & INDUSTRY

New Delhi, the 13th December 1961

S.O. 3008.—In pursuance of the provisions of Rule 9 of the Indian Power Alcohol Rules, 1950, the Central Government hereby makes the following further amendment in the Notification of the Government of India, in the Ministry of Commerce and Industry No. S.R.O. 1601, dated the 17th September, 1952, namely:—

In para 2 of the said Notification, for the words, figures and brackets, "prices payable for supplies of power alcohol by distillers shall be at the rate of Rs. 19.25 (Rupees nineteen and Naye Paise twenty five only) per hectolitre (100 litres)", the following shall be substituted, namely:—

"Maximum price payable for supplies of power alcohol by distillers shall be at the rate of 20 nP. (Naye Paise twenty only) per litre plus a sum not exceeding 8 nP. (Naye Paise eight only per litre based on the actual average cost of the transport of molasses to the distillery during the previous year plus the cost of denaturation in accordance with the specification prescribed in the Excise Permit".

[No. 34(5)/61-Ch.II.]

S. P. CHABLANI, Dy. Secy.

ORDER

New Delhi, the 18th December 1961

S.O. 3009. IDRA/6/16.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby appoints Shri J. M. Srivastava to be a member of the Development Council established by the Order of the Government of India in the Ministry of Commerce & Industry No. S.O. 771 dated the 4th April, 1961 for the scheduled industries engaged in the manufacture or production of Automobiles, Automobile Ancillary Industries and Transport Vehicle Industries, till the 3rd April, 1963 and directs that the following amendment shall be made in the said Order, namely:—

In paragraph 1 of the said Order for entry No. 21B relating Shri A. D. Bohra, the following entry shall be substituted, namely:—

"21B. Shri J. M. Srivastava, Director (Ancillary), Office of the Development Commissioner Small Scale Industries, Udyog Bhavan, New Delhi. Technical knowledge"

[No. 1(10)L.Pr./60.]

D. HEJMADI, Dy. Secy.

(Indian Standards Institution)

New Delhi, the 12th December 1961

S.O.3010.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the licence No. CM/L-197, particulars of which are given in the Schedule hereto annexed, has been cancelled with effect from 30th November 1961.

THE SCHEDULE


Sl. No.	Licence No. and Date	Name and Address of the Licensee	Article/Process covered by the Licence cancelled	Relevant Indian Standard
1	2	3	4	5
1	CM/L-197 30-5-1960	Messrs. Kwaliti Waterproof Manufacturing Co., Chawri Bazar, Delhi.	Waterproof Packing Paper made from 60 g Kraft Paper.	IS:293-1951 Code for Seaworthy Packaging of Cotton Textiles.

MD/12:392

S.O.3011.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the rules and regulations framed thereunder, shall come into force with effect from 1st January 1962.

THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product to which applicable	No. and Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
1	2	3	4	5
1		Electric Portable Immersion Heaters for Domestic Use.	IS:368-1952 Specification for Electric Portable Immersion Heaters for Domestic Use. (Tentative).	The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col. (2), the number designation of the Indian Standard being inscribed on the top side of the monogram as indicated in the design.

No. MD/17:2.

S.O.3012.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee per unit for Electric Portable Immersion Heaters for Domestic Use details of which are given in the schedule hereto annexed, has been determined and the fee shall come into force with effect from 1st January, 1962.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
I	Electric Portable Immersion Heaters for Domestic Use.	IS:368-1952 Specification for Electric Portable Immersion Heaters for Domestic Use. (Tentative).	One Electric Immersion Heater.	10 nP per unit for the first 10,000 units, with a minimum of Rs. 1,000.00 for production during a calendar year; 7 nP per unit for the 10001st unit and above.

No. MD/18:2

A. N. GHOSH,
Director.

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 18th December 1961

S.O. 3013.—In exercise of the powers conferred by sub-section (1), of Section 36 of the Indian Electricity Act, 1910 (9 of 1910), the Central Government hereby makes the following amendment in the notification of the Government of India (Ministry of Railways) No. 60/Elec/112/6 dated 10th June 1961:—

In item 2 of the Schedule to the said notification, specifying the jurisdiction of the Chief Electrical Engineer, North-Eastern Railway, the words "Locomotive Component Works, Varanasi" shall be replaced by the words "Diesel Locomotive Works, Varanasi".

[No. 60/Elec/112/6.]

K. SREENIVASAN,
for Secy.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 9th December 1961

S.O. 3014.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment of persons to Class II Post of Superintendent (Accounts) in the Indian Agricultural Research Institute, New Delhi namely:—

1. **Short title.**—These rules may be called the Indian Agricultural Research Institute (Class II posts) Recruitment Rules, 1961.

2. **Application.**—These rules shall apply to Class II post of Superintendent (Accounts) in the Indian Agricultural Research Institute, as specified in column 1 of the Schedule annexed hereto.

3. **Number, Classification and Scale of Pay.**—The number of posts, their classification and the scale of pay attached to them shall be as specified in Columns 2 to 4 of the Schedule to these rules.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment to the posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the Schedule aforesaid:

Provided that the upper age limit prescribed for direct recruitment may be relaxed in the case of Scheduled Castes/Tribes candidates, displaced persons and

other special categories in accordance with the orders issued from time to time by the Government of India.

5. Disqualification.—(a) No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse, shall be eligible for appointment to service; and

(b) no woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to service;

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

Recruitment Rules for the Post of Superintendent (Accounts)

Name of Post	No. of Posts.	Classification	Scale of pay	Whether Selection Post or non-selection Post.	Age limit for direct recruits.	Educational and other qualifications required for the direct recruits.
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1	2	3	4	5	6	7
Superintendent (Accounts)	1	G.C.S. Class II (Gazetted) Ministerial)	Rs. 350-20-450-25-575.	Selection.	Below 35 years (Relaxable for Government servants.)	<p><i>Essential :—</i></p> <p>(i) Degree of a recognised University.</p> <p>(ii) About 5 years experience of accounts work in a Government or semi-Government Organisation.</p> <p>(iii) Thorough knowledge of Government financial and accounting rules.</p> <p>Qualifications relaxable at Commission's discretion in the case of candidates otherwise well qualified.</p>

I. A.R.I. in Ministry of Food & Agriculture

Whether age and educational qualifications prescribed for the direct recruit will apply in the case of promotees.	Period of Probation, if any.	Method of rectt. whether by direct rectt. or by promotion or transfer & percentage of the vacancies to be filled by various methods .	In case of rectt. by promotion/ transfer, grades from which promotion to be made.	If a DPC. exists what is its composition.	Circumstance in which U.P. S.C. is to be consulted in making rectt.
8	9	10	11	12	13
No	Two years	By promotion failing which by direct recruitment.	<i>Promotion</i> Non-Gazetted Superintendent with atleast 3 years experience in the grade. (350-475)	Class II DPC.	As required under the rules.

[No. 21-55/61-Instt.I.]

D. RAMIAH, Dy. Secy.

(Department of Agriculture)*New Delhi, the 18th December 1961*

S.O. 3015.—In exercise of the powers conferred by section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules, the same having been previously published, as required by the said section, namely:—

PREVENTION OF CRUELTY TO ANIMALS (ELECTION OF MEMBERS TO ANIMAL WELFARE BOARD) RULES, 1961

1. **Short title.**—These rules may be called the Prevention of Cruelty to Animals (Election of Members to Animal Welfare Board) Rules, 1961.

2. (1) **Manner of electing and choosing representatives to serve as members of the Board:**

The election of one person to represent such associations of veterinary practitioners as in the opinion of the Central Government ought to be represented on the Board under clause (c) of sub-section (1) of section 5 of the Act shall be conducted by that association in the following manner:

(i) the association shall fix the date, time and place of a meeting at which the election of a representative will take place;

(ii) the election of a representative of the association on the Board shall specifically be included as one of the items of the agenda of that meeting;

(iii) the notice of the meeting shall be circulated at least fifteen days before the date of the meeting; and

(iv) the election shall be by majority of votes of members present and voting.

(2) The election of persons to represent the Municipal Corporations under clause (e) of sub-section (1) of section 5 shall be conducted by the respective Corporations in the manner specified in sub-rule (1) of this rule.

(3) The representatives of organisations and societies to serve as members of the Board under clause (f) and (g) of sub-section (1) of section 5 of the Act shall be chosen, by the Governing Body, the Managing Committee or the Executive Committee of the respective bodies in the manner specified in sub-rule (1) of this rule.

[No. 9-7/61-LD.]

K. C. SARKAR, Under Secy.

(Department of Agriculture)**ORDER***New Delhi, the 12th December 1961*

S.O. 3016.—In exercise of the powers conferred by section 5 of the Essential Commodities Act, 1955 (10 of 1955), the Central Government hereby directs that the powers conferred on it by sub-section (1) of section 3 of the said Act to provide for matters specified in clauses (d) and (j) of sub-section (2) thereof shall, in the State of West Bengal, be exercisable also by the Government of West Bengal subject to the condition that before making any order relating to any matter specified in clauses (d) and (j) of the said sub-section (2), the State Government shall obtain the prior concurrence of the Central Government.

[No. 1-19/61-C(E).]

N. RANGANATHAN, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS**(Department of Transport)****(Transport Wing)***New Delhi, the 12th December 1961*

S.O. 3017.—In exercise of the powers conferred by sub-section (1) of Section 63A of the Motor Vehicles Act, 1939 (4 of 1939) read with rule 3(2) of the Interstate Transport Commission Rules, 1960, the Central Government hereby re-appoints Shri B. V. Vagh, Vice-President, Indian Roads and Transport Development Association Limited, Bombay, as a member of the Inter-State Transport Commission for a further period ending with the 3rd December, 1964.

[No. 1-T(28)II/58.]

K. SRINIVASAN, Dy. Secy.

(Department of Transport)**(Transport Wing)****MERCHANT SHIPPING***New Delhi, the 13th December 1961*

S.O. 3018.—In pursuance of clause (ii) of sub-rule (2) of rule 1 of the Indian Merchant Shipping (Load Line) Rules, 1934, as continued in force under clause (a) of sub-section (3) of Section 461 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby appoints the GERMANISCHER LLOYD to be an Assigning Authority for the purposes of the said Rules.

[No. F. 42-MA(5)/60.]

M. L. GAIND, Dy. Secy.

(Department of Transport)**(Transport Wing)****MERCHANT SHIPPING***New Delhi, the 18th December 1961*

S.O. 3019.—In exercise of the powers conferred by sub-section (1) of section 391 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby appoints the District Collector, Ernakulam to be the "Receiver of Wrecks" to receive and take possession of wreck, and to perform the duties of receiver of wreck connected therewith, within the limits of the District of Ernakulam, except the port of Cochin.

[No. 33-MA(2)/61.]

N. U. RAVAL, Under Secy.

(Department of Communications and Civil Aviation)**(P. & T. Board)***New Delhi, the 13th December, 1961.*

S.O. 3020.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (13 of 1885), the Central Government hereby makes the following rules further to amend the Indian Telegraph Rules 1951 namely:—

1. These rules may be called the Indian Telegraph (Twelfth Amendment) Rules 1961.
2. In rule 434 of the Indian Telegraph Rules, 1951 in clause (b) of Sub-section (3) headed "Transfer fee" under Section I 'Fees' the words "but involves only a change in the name" shall be omitted.

[No. 46-1/61-PHB.]

RAMA KANT, Director of Phones(E).

MINISTRY OF SCIENTIFIC RESEARCH & CULTURAL AFFAIRS**ARCHAEOLOGY****CORRIGENDUM.***New Delhi, the 23rd December 1961*

S.O. 3021.—In the schedule to the notification published as S.O. No. 2412 on page 2618 in Part II, Section 3(ii) of the Gazette of India, dated the 7th October, 1961, the following correction is notified:—

Under the column "Boundaries"
For the figure "115"
substitute "1115".

[No. F. 4-22/61-C.1.]

S. J. NARSIAN,
Assistant Educational Adviser.

MINISTRY OF REHABILITATION

(Office of the Chief Settlement Commissioner)

New Delhi, the 11th December 1961

S.O. 3022.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed, in the Union Territory of Delhi for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons ;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (C&R) Act, 1954 (44 of 1954) it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the said Schedule.

THE SCHEDULE

Sl. No.	Khewat number	Khasra number	Area in Bighas	Name of the evacuee with rights in the properties	Remarks
VILLAGE HAMIDPUR.					
1.	1/131	37/21/2/2 10/20/2/2	0—7 0—10 0—17	Imamdin s/o Badlu, occupancy tenant evacuee.	
2.	1/125-126	43/14/2/1	0—7	Gulab s/o Maru occupancy tenant evacuee	
VILLAGE ALIPUR.					
3.		1140/2	5—17	Ziaul Husain, Unwar Husain, Ishaq Husain ss/o Ultaf Husain (in equal share in 21), Mst. Badarjehan Begum, Shaukat Jehan Begum ds/o Ultaf Husain (equal share in 7), Ejaz Husain, Imtiaz Husain, ss/o Nadar Husain (equal shares in 16), Mst. Inderjehan Begum d/o Nadar Husain (4), evacuees.	
4.	77/184	2051/2/1 2052/2/1	0—14 1—2 1—16	Zia-ul-hasan, Anwar Hasan, Ishfaq Husain (equal shares in 34-1/8), Mst. Badar Jehan Begum, Shaukat Jehan Begum (equal shares in 11-3/8), Ajaz Husain, Imtiaz Husain ss/o Nadar Husain (equal share in 26), Mst. Inderjehan Begum d/o Nadar Husain (6½), all evacuee owners.	
5.	44/143/8c 144	984 1685 25 27 28/2 1018 1019 1021	8—8 6—2 4—12 4—10 2—4 4—16 4—7 0—18 35—17	Zia-ul-Hasain, Anwar Husain, Ishfaq Husain ss/o Altaf Husain (equal shares in 21), Badar Jehan Begum, Shaukat Jehan Begum ds/o Ultaf Husain (equal shares in 7), Ajaz Husain Imtiaz Husain ss/o Nadar Husain (equal share in 16), Mst. Inderjehan Begum d/o Nadar Husain (4), all evacuee owners.	
6.	78/185	1808/2 1811/1 1831	0—16 3—12 4—11 8—19	Do.	
VILLAGE BOANA.					
7.	212/318	158/3	1—19	Jahangir s/o Naidar, occupancy tenant, mortgager, Brahma s/o Dina Mal, mortgagee non evacuee, but now vested in the Custodian.	

1	2	3	4	5	6
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VILLAGE BHOORGARH

8.	11/18	18/24	3—14	Wazir, Nazir ss/o Rahim Khan occupancy tenants, mortgagers & evacuees, Sukhan & Neki ss/o Kurc, mortgagee-non-evacuees, now vested in the Custodian.
9.	19/31/1	18/21 29/1	4 16 4 16 — 9 32	Bashir Khan s/o Amin Khan evacuee, mortgager Bhagwan Sahai s/o Girdhari & Shadi Sarup s/o Behari Lal (equal shares) mortgagee non-evacuees, now vested in the Custodian.
10.	46/127	7/21 19/1	5—6 4—16 — 10—2	Wazir & Nazir ss/o Rahim Khan (equal share) evacuee occupancy tenants & mortgagees Tulsu Ram s/o Ram Pershad, Dil Sukh s/o Sis Ram, mortgagees, non-evacuees, but now vested in the Custodian.
11.	110/250	28/12/1 28/13	0—14 4—0 — 4—14	Wazir & Nazir ss/o Rahim Khan (equal share) occupancy tenants evacuees & mortgagers, Sukhan, Neki ss/o Kure (equal shares) mortgagees & non-evacuees, but now vested in the Custodian.
12.	36/2	28/4/1 28/7/1	2—5 1—1 — 3—6	Mst. Mahmooda Begum w/o Yasin Khan evacuee mortgager, Mam Chand s/o Girdhari Lal, mortgagee & non-evacuee but now vested in the Custodian.
13.	44/104	46/11/3	0—8	Mst. Mahmuda Begum w/o Yasin Khan, owner, mortgager & evacuee, Hardwari Lal, Man Singh, Ratan Singh ss/o Bakhtawar (equal share in F) Surajmal, Khazan Singh & Ram Karan ss/o Mular (equal share in 1) Bhartoo s/o Nana (1 share), Dharam Singh s/o Kanya Lal, Mst. Saraswati w/o Bhular (equal share in 1), Rampat s/o Ramkaran (1), Ram Sarup s/o Shivkaran (1) mortgagees, non-evacuees but now vested in the Custodian.
14.	14/22	41/4/3	0—16	Abdul Razak s/o Abdul Ghani, evacuee mortgager, Khubi s/o Jamna, mortgagee non-evacuee but now vested in the Custodian.
15.	24/24/1	41/4/2	0—8	Abdul Razak & Amin Khan ss/o Abdu Ghani (equal share in $\frac{1}{2}$), Mahbub Khan s/o Rahim Khan ($\frac{1}{2}$ share), evacuees-mortgagers, Behari Lal, mortgagee, non-evacuee but now vested in the Custodian.

VILLAGE UCHANDI

16.	298/461	52/9/2	1—9	Mst. Aisha Khatam widow (1/8th), Sardar Mirza s/o Mst. Mareem Begum (7/8th) owners, evacuees mortgagers Udairam Ghansham ss/o Thanew (equal share in $\frac{1}{2}$) Narain Singh, Ram Singh ss/o Dharma (equal share in $\frac{1}{2}$), Tej Ram s/o Netram ($\frac{1}{2}$), mortgagees, non-evacuees, but now vested in Custodian.
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VILLAGE SULTANPUR DABBAS.

17.	55/110	67/25/3	1—16	Mughal Khan s/o Murad, shareholder evacuee, mortgager, Kali Ram s/o Gordhan, mortgagee, non-evacuee but now vested in the Custodian.
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1	2	3	4	5	6
18.	55/104	31/8	4—16	Sardar s/o Dalam, shareholder evacuee mortgager, Laik Ram s/o Keri, mortgaggee, non-evacuee but now vested in the Custodian.	
VILLAGE CHHATERPUR					
19.	700 to 998 & 703 370	1109/1 786/1 1588/1/2 673/1	1—16 3—16 0—17 2—8 8—17	Hakim Ali s/o Hafizan (3 shares) Mst. Hukman w/o & Suadat (6 shares) s/o Kure Kalu, Tola ss/o Nizami (equal shares in 2), Shahbuddin s/o Seepu (2) Khechhru, Mawasi ss/o Gulsher (equal shares in 2), all evacuee owners.	
20.	512/658	1394/3/2	0—9	Ibrahim s/o Bhura (1), Imamdin Nazar Husain ss/o Mohd Umar (equal shares in (1), Hamid s/o Shahzad (1), all evacuee owners.	
21.	511,513, 514,517/ 657,659, 660 & 663	1396/2 1394/4/2 1914/4 1544/3	1—8 0—10 0—4 1—16 3—18	Nauruddin, Mazhar Ali ss/o Nazir s/o (equal shares in 12), Abdulla s/o Wazir (3 shares), Kalu, Nabi bux ss/o Ismail (equal shares in 2), Latif s/o Kalu (18), all evacuee owners.	
22.	230/505 & 506	974/2	1—8	Mohd Saeed, Dev Saeed ss/o Mohd Hasan, equal shares.	
23.	426,427 430,431 433,434 595 567,563 & 564	1050/2 1602/3 1117/1 524/1/1	1—18 0—10 2—8 0—16 0—16 1—12	Rehman s/o Ilahi Bux (32) Badrul Islam, Fatujul Islam, Hisajul Islam, Wakaf-ali-ul-aulad now under Badrul Islam ss/o Abdul Karim (equal shares in 32), Fatan s/o Kalu (16) all evacuee owners.	
VILLAGE SHAORPUR					
24.	1/20	307 306/3 306/2	4—16 0—16 0—16 6—8	Murad s/o Agadi, owner evacuee, mortgager, Ramjilal alias Bhajan & Ratiram, Anokhe, Rattan Lal ss/o Har Lal (equal share) mortgagees, non-evacuees, but now vested in the Custodian.	

[No. F. 1(5)/Land Rent/61]

M. J. SRIVASTVA,
Settlement Commissioner & Ex-Officio Under
Secretary to the Government of India.

(Office of the Chief Settlement Commissioner)

ORDER

New Delhi, the 11th December 1961

S.O. 3023.—In exercise of the powers conferred upon me by sub-section (1) of Section 8 of the Displaced Persons (Compensation and Rehabilitation) Act 1954 (44 of 1954), I, S. W. Shiveshwarkar, Chief Settlement Commissioner do hereby authorise Shri Bhagwan Das Sugna Singh, Assistant Settlement Officer, working under Assistant Settlement Commissioner, In-charge, Indore, to make payment of compensation to displaced persons out of the compensation pool by transfer of allotable property or otherwise in accordance with the provisions of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.

[No. F. 4(8)Comp./60.]

S. W. SHIVESHWARKAR,
Chief Settlement Commissioner.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 9th December 1961

S.O. 3034.—In pursuance of section 36 of the Employees' State Insurance Act, 1948 (34 of 1948), the Annual Accounts of the Employees' State Insurance Corporation for the year 1959-60 together with the Audit Report thereon, are hereby published for general information.

AUDIT REPORT ON THE EMPLOYEES' STATE INSURANCE CORPORATION FOR THE YEAR 1959-60

1. Annual Accounts:

(a) The accounts for the year 1959-60, viz., Income and Expenditure Account, Provident Fund Account and Balance Sheet as on 31st March, 1960 are attached as appendices A, B and C respectively. The Income and Expenditure Account shows an excess of income of Rs. 1,70.90 341 over expenditure. The savings and excesses under the various heads of account have been explained in the Appropriation Account attached as Appendix D. A comparison of the expenditure incurred during the year 1959-60 under different detailed heads of accounts below the sub-head "Administrative Expenses" with that of 1958-59 has also been made in Appendix E.

(b) A statement showing the ratio of administrative cost to contributions received, to revenue expenditure and to total benefits respectively in the financial years 1952-53 to 1959-60 is attached as Appendix F. The ratio of Administrative cost to total contributions (Employers' Special Contribution and Employees' Contribution) received has increased from 10.85 per cent in 1958-59 to 12.50 per cent in 1959-60.

(c) The financial review of the working of the scheme is given in Appendix G.

(d) A statement showing the Review of Balances as on 31st March 1960 is also given at Appendix H.

(e) *Unpaid liabilities not reflected in the Balance Sheet*—Unpaid liabilities to the extent of about Rs. 32 lakhs on account of Corporation's share of expenditure incurred by State Governments on providing medical treatment, medical facilities, etc., remained to be cleared on 31st March 1960. This amount includes about Rs. 12 lakhs in respect of the period prior to 31st March 1959.

Liabilities on account of unpaid amounts due to insured persons in respect of claims received late in 1959-60 was estimated at about Rs. 13 lakhs by the Corporation.

(f) *Suspense-outstanding Advances for construction of Hospitals, etc.*—Advance payments to the tune of Rs. 20,59,750 given to the State Governments and the Central Public Works Department for the construction of hospitals, etc., were outstanding at the close of the financial year 1959-60.

The following buildings have been completed but the expenditure incurred has not so far been adjusted in the books against the advances, as audited statements of expenditure have not yet been received from the State Governments concerned.

<i>Government of Andhra Pradesh</i>	<i>Amount of advance</i>
(i) Construction of 32 bedded ward in K.E.M. Hospital at Secunderabad. . . .	Rs. 71,550
(ii) 16 bedded ward in T. B. Hospital Irrannuma, Hyderabad	19,050
<i>Government of Madras.</i>	
(iii) 84 bedded annexe in Government Hospital, Coimbatore. . . .	2,10,950

An advance of Rs. 58,200 was given to the Government of Punjab in February, 1960 towards the cost of construction of a 12-bedded ward in the R.B. Gujarmal Kesar Devi T.B. Sanatorium, Amritsar. There is no information as to whether construction has been started at all.

(g) *Miscellaneous Advances*.—Advances amounting to Rs. 1,94,927.98 nP. given to Deputy Controller of Stationery and Printing, Central Public Works Department, Pay and Accounts Officer, W.H.S., etc., were outstanding at the end of the financial year 1959-60.

2. Heavy Arrears in respect of Employers' Special Contribution and Employees' Contribution:

It was observed that Employers' Special Contribution and Employees' Contributions were heavily in arrears. The figures of arrears in respect of the Contributions upto the calendar year 1959, as collected at the time of the local audit of the Regional Offices are as under:—

<i>Employers' Special Contribution</i>	<i>Amount</i>	<i>Remarks</i>
(i) Privately owned covered factories . . .	33,75,568.47	Details given in Appendix I.
(ii) Government, Semi-Government & Local Bodies owned factories. . .	8,20,472.00	Details given in Appendix J.
<i>Employees' Contributions.</i>		
(i) Privately owned covered factories . . .	22,32,045.92	Details given in Appendix K.
(ii) Government, Semi-Government & Local Bodies owned factories.	6,50,086.78	Details given in Appendix J.
Total	70,78,173.17	

These figures are not exact but approximate, as in many cases the amounts due have been assessed by the Regional Offices on an *ad-hoc* basis. Much of the arrears are several years old, and some have been due since 1952. Though in most cases action is being taken for the recovery of contributions by issue of notices against the employers, there has not been satisfactory progress in the recovery of arrears long over-due. It has been stated by the Employees' State Insurance Corporation that instructions have been issued for invoking the provisions of Section 85 of the Act in cases of habitual defaulters.

3. Printing of Forms—Heavy Additional Expenditure due to Non-Execution of Work by the Press:

Tenders were invited for printing of forms (including cost of paper) and order was placed on the lowest tenderer, a certain Press of Kanpur for 128 items with a total value Rs. 3,55,689, subject to the terms and conditions of the tender notice. The press felt that the stipulated time of 2 months for the completion of the entire job was too short and also complained about the paucity of paper. As a special case, the Corporation agreed to accept supply in parts provided it was made during a specified period as indicated below:—

- (i) 50 per cent of the forms to be ready for despatch within a period of one and half month from 7th November, 1958,
- (ii) 25 per cent of the forms to be ready within the next twenty-one days, and
- (iii) the balance of 25 per cent forms to be ready within a further 21 days, completing the entire supply within 3 months.

The press was informed accordingly and it was made clear to the Press that in the event of failure to execute the job for any reason, whatsoever, the Corporation would be at liberty to get the work done at their risk and cost from any other party, and take necessary action as it deemed fit. The Press, in their reply, expressed their inability to undertake the printing and supply of 18 important forms (worth Rs. 2,21,476). They, however, confirmed that the remaining jobs would be executed within the stipulated period of 3 months. The Corporation, therefore, called fresh quotations for these 18 forms and got them printed through other presses (some of them in reduced quantities) at a cost of approximately Rs. 2,84,270, i.e., at an extra cost of Rs. 76,690.

The press again backed out of the printing of three forms (Forms 8, 9 and 10) at the rates quoted by them on the plea that their quotation of Rs. 50,000 for these forms was for 1/3rd of the quantity of forms and that they would charge an additional sum of Rs. one lakh if the whole job was to be executed. As the rates originally quoted by the Press, were very much lower than the rates quoted by other presses, and were apparently based on a genuine misunderstanding of the quantities required, the Corporation agreed to pay Rs. 1,48,000.

Even in the printing of the remaining forms the Press made very poor progress and frequently complained of shortage of paper, etc. In view of the failure and reluctance of the press to execute the job in the stipulated time, printing of 75 items was allotted to other presses at an extra cost of Rs. 19,500 (*vide* Appendix M). According to the terms and conditions of the contract, this extra cost was recoverable from the press. But a sum of Rs. 2,000 only was recovered from the Press.

From the facts stated above, it is clear that the Corporation had to incur an additional expenditure of Rs. 94,190 due to the failure of the Press to fulfil the terms and conditions agreed upon:

	Rs. 76,690/-	Due to non-printing on 18 items of forms.
	Rs. 19,500/-	Due to non-printing on 75 items of forms.
	Rs. 96,190/-	(The additional cost of Rs. 98,000/- on forms 8, 9 and 10
Less penalty recovered	Rs. 2,000/-	has not been included in this calculation)
	Rs. 94,190/-	

According to special Instruction No. VII(a) contained in the Tender Notice, the Corporation, in the event of the printer failing to:—

- (i) observe or perform any of the conditions of the work, or
- (ii) execute the work in good and workmanlike manner and to the satisfaction of Corporation within the time fixed,

could make such arrangements as considered fit for the reproduction of the work removed at the risk of the printer. Sub-clause (b) of the aforesaid clause (VII) further provided that any excess cost incurred by reason of the difference between the prices paid and the accepted rates, the Corporation might charge the amount of such excess cost to the printer. The difference in cost as mentioned above should have been recovered from the press under this clause, as the press not only failed to execute the work within the time limit, but also backed out from the printing of major items of form.

The penalty of Rs. 2,000 levied was a negligible amount in comparison to the additional expenditure incurred by the Corporation.

The Corporation has stated that they had to bear with the delays and failures of the contractor as his rates were the lowest and it would have cost much more to have cancelled the order and accepted the next best tenderer. However, this does not seem a satisfactory reason for recovering the negligible penalty of Rs. 2,000 only from a party whose repeated failure to honour commitments had cost the Employees' State Insurance Corporation Rs. 94,190.

4. Infructuous Expenditure on Account of Failure to Implement the Provisions of Regulation 103-A:

Insured persons become disentitled to medical benefits under Regulation 103-A, if they default in the payment of their contributions. The Regional Offices prepare disentitlement lists after examining the contribution cards received from the employers in terms of Regulation 26, and issue Exit Cards in respect of dis-entitled persons to the Administrative Medical Officer, who in turn issues neces-sary intimation to the Insurance Medical Practitioners (Panel doctors). The panel system provides that capitation fees payable to the Insurance Medical Practi-tioners should be calculated on the basis of the number of insured persons borne on their list on the first day of each quarter, i.e., even if an insured person becomes dis-entitled to medical benefits due to non-payment of contributions, payment of capitation fee is continued in respect of such persons until intimation of dis-entitle-ment is received by the medical practitioner. Thus, if intimation regarding dis-entitlement is not issued within the prescribed time limit by the Regional Offices to the Administrative Medical Officer delays intimation to the Panel doctors much avoidable expenditure may result.

The following cases of delay were noticed in the West Bengal and Bombay Regions:—

- (a) *West Bengal Region*.—Appendix 'N' to this Report gives figures in respect of cases where the exit cards had not reached the office of the Administrative Medical Officer fifteen days before the date on which the Benefit periods started. It would be seen therefrom that the delay in taking action in the case of 519 exit cards under Set B VIII, resulted in unnecessary payment of capitation fees to the extent of Rs. 778.
- (b) *Bombay Region*.—Details of the cases wherein the exit cards in respect of persons disentitled to the benefits of the scheme were delayed are given in Appendix O. The resultant overpayment of capitation fees on these cases works out to Rs. 3,118. In addition to capitation fees, extra expenditure on the cost of medicines and hospitalisation charges, etc., which could not be worked out by audit was also incurred.

It has been stated by the Employees' State Insurance Corporation that, since it can act in this matter only through the State Medical Officers and not directly, some delay is inevitable.

5. Expenditure Incurred in Setting Up Local Offices in Non-Implemented Areas (Calcutta Region):

Anticipating the implementation of the scheme in the remaining areas of 24 Parganas and Hooghly District from January, 1960, the Employees' State Insurance Corporation increased the total number of local offices in the Calcutta Region from 15 to 40 in November, 1959. The new local offices commenced functioning from 17th December 1959, but the scheme was not implemented in these areas by the State Government. The Corporation thus incurred a recurring monthly expenditure of Rs. 22,500 (approximately) to no purpose.

It has been explained by the Corporation that their plans had been based on a promise made by the State Government to implement the scheme in those areas from January, 1960, but the State Government failed to do so. It is stated that eight out of the 25 new offices have been surrendered and their staff diverted elsewhere.

(Sd.) M. PREM KUMAR,
Deputy Accountant General,
Outside Audit Department (C),
Central Revenues.

APPENDIX 'A'
EMPLOYEES' STATE INSURANCE CORPORATION
Income and Expenditure Account for the year ended 31st March, 1960

INCOME			EXPENDITURE		
Head of Account	Amount		Head of Account	Amount	
	Rs.	Rs.		Rs.	Rs.
By Contributions :—			I. Benefits to insured persons and their families.		
Employers' Share only	3,18,53,731·01		<i>A—Medical Benefits</i>		
Employees' Share only	4,08,09,251·63		(i) Payments to State Govts. etc. as Corporation's share of their expenses on providing medical treatment, maternity facilities, etc.	2,19,28,013·83	
Total Contributions		7,26,62,982·64	Total A—Medical Benefits		2,19,28,013·83
Other Heads of Revenue			<i>B—Cash Benefits</i>		
Interests and Dividends	59,49,470·29		(1) Sickness Benefits	2,15,93,936·69	
Compensations . . . . .	..		(2) Extended (S.B.)	6,20,315·76	
Rents, Rates and Taxes	11,776·20		(3) Maternity Benefits	13,59,490·32	
Fees, Fines & Forfeiture	1,407·55		(4) Disablement Benefits	59,14,929·30	
Miscellaneous	1,11,527·13		(5) Dependants' Benefits	10,10,541·13	
			Total B—Cash Benefits		3,04,99,207·20
			<i>C—Other Benefits</i>		
			(1) Provision of Artificial Limbs	13,375·77	
			(2) Medical Boards	54,292·92	
			(3) Fees paid of post-mortem examination insured persons	108·00	
			(4) Payments to insured persons on account of conveyance charges and/or loss of wages.	35,993·63	
			(5) Cost of artificial teeth provided to Insured Persons	86·00	
			(6) Miscellaneous	30,224·14	
			Total C—Other Benefits		1,34,080·46
			Total I—Benefits to insured persons and their families		5,25,61,301·49
		7,87,37,164·81			

1	2	3	4	5
	Rs.	Rs.	Rs.	Rs.
<i>2—Administration Expenses</i>				
<i>A—Superintendence</i>				
(1) Corporation, Standing Committee, Regional Boards, etc.		24,637.94		
(2) Principal Officers		92,600.42		
(3) Other Officers		8,02,460.31		
(4) Ministerial Establishment		24,00,741.90		
(5) Class IV Servants		22,472.47		
(6) Contingencies		18,42,610.50		
<i>Total A—Superintendent</i>			55,85,543.94	
<i>B—Field Work</i>				
(1) Officers		1,21,705.76		
(2) Ministerial Establishment		22,86,519.62		
(3) Class IV Servants		3,85,437.28		
(4) Contingencies		4,83,406.17		
<i>Total B—Field Work</i>			32,77,068.83	
<i>C—Other Charges</i>				
(1) Legal Charges		75,001.82		
(2) Insurance Courts		12,088.24		
(3) Publicity & Advertisement		3,666.71		
(4) Charges for maintaining Banking Accounts		11,167.02		
(5) Audit Fees		22,410.00		
(6) Repair, Maintenance and Depreciation, etc.		25,586.07		
(7) Miscellaneous		10.05		
(8) Losses		2,347.16		
<i>Total C—Other Charges</i>			1,52,277.07	
<i>Total 2—Administration Expenses</i>				90,14,889.84

<i>Interest on Loans</i>	
Interest paid to the Employees' State Insurance Provident Fund	88,082.60
<i>LESS</i>	
Interest realised on investments of Provident Fund balances	(—) 17,950.72
<i>Total Expenditure on Revenue Account</i>	70,131.28
To excess of Income over Expenditure carried over to Balance Sheet	6,16,46,322.61
Total	1,70,90,841.20
Total	7,87,37,163.81

NEW DELHI;

Dated the 31st May, 1960.

V. R. MAHADEVAN,
Chief Accounts Officer,
Employees' State Insurance Corporation.

APPENDIX 'B'

Employees' State Insurance Corporation Provident Fund Account—Receipts and Payments for the year ending on 31st March, 1960.

Receipts	Amounts	Payments	Amount
	Rs.		Rs.
Opening Balance	21,76,552.06	Amount paid to the employees during the year 1959-60	1,60,298.00
Employees' subscription	4,95,101.00	Amount transferred to unclaimed deposits	2,161.00*
Corporation's contribution	2,63,311.00	Closing Balance	28,60,587.00
<i>Interest</i>			
1. On Employees' subscription for the year 1959-60	54,777.00		
2. On the balance of Corporation's contribution as on 31st March, 1959	33,305.00		
	88,082.00		
Total	30,23,046.06	Total	30,23,046.06

Checked and found correct subject to the remarks in Test Audit Note.

*A separate T. E. for the amount has been passed.

Sd/- SADHU RAM,
16-9-60
Assistant Accounts Officer,
Central Revenues.

Sd/- V. R. MAHADEVAN,
Chief Accounts Officer,
Employees' State Insurance Corporation.

APPENDIX C

EMPLOYEES' STATE INSURANCE CORPORATION

Balance Sheet as on 31st March, 1960

Liabilities	Amount	Assets	Amount
	Rs.		Rs.
Employees' State Insurance Corporation Provident Fund.		Lands and Buildings (wholly owned by the Corporation).	
As per last balance sheet . . .	21,76,552.06	(a) Buildings for offices of the Corporation	
ADD Amount credited during the year.	8,46,494.00		
	30,23,046.06		
LESS Payments made during the year .	1,62,459.00	As per last balance sheet . . .	10,28,743.77
		Additions during the year. . .	65,859.12
Depreciation Reserve Fund of buildings for the offices of the Corporation.			10,94,602.89
As per last balance sheet . . .	95,993.67	(b) Hospitals and Dispensaries	
ADD Provision made during the year . .	6,615.50	As per last balance sheet . . .	3,54,375.00
(Includes Rs. 1,915.50 on account of interest received from investments during the year)		Additions during the year. . .	2,00,666.24
			5,55,041.24
Depreciation Reserve Fund of equipments in Hospitals and examination centres.		Lands & Buildings (Jointly owned by the Corporation and State Govts. Corporation's share).	16,49,644.13
As per last balance sheet . . .	..	(a) Hospital & Dispensaries	
ADD Provision made during the year . .	1,436.07	As per last balance sheet . . .	1,58,233.03
		LESS Adjustments made during the year.	1,12,500.00
Repairs & Maintenance Reserve Fund of buildings for the offices of the Corporation			45,733.03
As per last balance sheet . . .	1,22,336.62	(b) Equipment for Hospitals, etc.	
ADD Provision made during the year . .	21,936.00	As per last balance sheet . . .	5,744.36
(Includes Rs. 2,486.00 on account of interest received from investments of the balance)	1,44,272.62	Additions during the year. . .	..
LESS Payments during the year. . .	25,187.32		51,477.39
		Suspense (Advance for construction of Hospital, etc. made).	
		As per last balance sheet . . .	3,01,550.00
		ADD Payments made during the year	17,58,200.00
		LESS Adjustments made during the year.	..
			20,59,750.00

Unclaimed deposits in the Employees' State Insurance Corporation Provident Fund

As per last balance sheet	317.00
ADD Amount credited during the year	2,161.00

Miscellaneous Deposits

As per last balance sheet	2,768.73
ADD Deposits credited during the year	2,850.32
<i>Income and Expenditure Account</i>	

Excess of Income over Expenditure as per last balance sheet 16,25,82,238.30

DD Balance of excess of income over expenditure during the year 1959-60	1,70,90,841.20	17,96,73,079.30
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Advance payments on behalf of State Governments.

As per last balance sheet	1,974.25
ADD Payments made during the year	1,463.15

LESS Recoveries made during the year	3,437.40	2,921.43
	515.97	

Advance to the Reserve Bank of India for purchase of Securities

As per last balance sheet	2,04,54,800.00
ADD Payments made during the year	2,04,54,710.14

LESS Adjustments made during the year	89.59
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Interest on investments accrued but not received

As per last balance sheet
LESS Adjustments for the previous year	..	..

Interest on investments accrued but not due.

As per last balance sheet	..	..
LESS Adjustments for the previous year	..	..

Miscellaneous Advances

As per last balance sheet	2,49,883.17
ADD Payments made during the year	58,588.27

LESS Receipts during the year	3,08,471.44	1,94,927.98
	1,13,543.46	

Income tax deduction receivable

As per last balance sheet	2,26,798.46
LESS Income-tax received during the year	(—)2,26,798.46

Remittances

Cash Remittances	
As per last balance sheet	(—)4,79,300.00
ADD Debits adjusted during the year	11,71,91,375.38

LESS Credits adjusted during the year	11,67,12,075.38	(—)6,495.49
	11,67,18,70.87	

1	2	3	4	5	6
	Rs.	Rs.		Rs.	Rs.
			<i>Other Remittances—Exchange Accounts</i>		
			As per last balance sheet . . .		
			<i>ADD</i> Debits during the year . . .	1,19,88,607.42	
			<i>LESS</i> Credits during the year . . .	1,19,88,361.42	246.00
			<i>Investments at cost</i>		
			(a) <i>Depreciation Reserve Fund of buildings for the offices of the Corporation</i>		
			As per last balance sheet . . .	87,852.94	
			<i>ADD</i> Investments made during the year . . .	8,000.00	95,852.94
			(b) <i>Repairs and Maintenance Reserve Fund of buildings for the offices of the Corporation.</i>		
			As per last balance sheet . . .	86,088.43	
			<i>ADD</i> Investments made during the year . . .	..	86,088.43
			(c) <i>Permanent (Partial and Total) Disablement Benefit Reserve Fund</i>		
			As per last balance sheet . . .	41,63,762.55	
			<i>ADD</i> Investments made during the year . . .	20,67,000.00	62,30,762.55
			(d) <i>Dependants' Benefit Reserve Fund</i>		
			As per last balance sheet . . .	13,87,908.45	
			<i>ADD</i> Investments made during the year . . .	7,87,800.00	21,75,708.45
			<i>Cash Balance</i>		
			(a) <i>Investments</i>		
			(i) <i>E.S.I.C. Provident Fund</i>		
			As per last balance sheet . . .	18,03,836.82	
			<i>ADD</i> Investments during the year . . .	6,30,000.00	
				24,33,836.82	
			<i>LESS</i> Realisation on maturity or sale of investments . . .		
				24,33,836.82	

(ii) General Cash Balances			
As per last balance sheet .	15,70,02,137·72		
ADD Investments during the year	3,93,70,265·58		
	19,63,72,403·30		
LESS Realisation on maturity or sale of investments . . .	2,33,00,000·00	17,30,72,403·30	
(b) Cash Balance	2,24,149·55		
Cash in hand			
Cash with Bankers . . .	68,28,408·83	70,52,558·38	18,25,58,798·50
Total	19,51,78,498·04	Total	19,51,78,498·04

New Delhi,
Dated the 31st May, 1960

V. R. MAHADEVAN,
Chief Accounts Officer,
Employees' State Insurance Corporation.

CERTIFICATE

Certified that subject to the remarks in the Audit Report this Balance Sheet is in my opinion a full and fair Balance Sheet containing all necessary particulars drawn up and according to the best of my information and information given to me and as shown by the books of the Corporation it exhibits a true and correct view of the State of Corporation affairs. Information and explanation required have been furnished by the Officer of the Corporation and have been found satisfactory except to the extent mentioned in the Audit Report.

NEW DELHI,
Dated 16th September, 1960

Sd/- (SADHU RAM)
Assistant Accounts Officer,
Central Revenues.

**APPROPRIATION ACCOUNTS OF THE EMPLOYEES' STATE INSURANCE
CORPORATION FOR 1959-60**

**GLOSSARY OF CERTAIN ABBREVIATIONS USED IN THE APPROPRIATION
ACCOUNT**

'O' Stands for original grant of appropriation and appears in column 1 only when a figure is shown against it, and is omitted from that column when the figure against it is nil or when the original grant or appropriation without any modifications is taken direct into column 2.

'R' Stands for residual modifications sanctioned by competent authorities other than Central Government (i.e., re-appropriation, withdrawal or surrender).

The figures shown in the second column of the accounts against all sub-heads are the figures as they stand after taking into account all modifications including withdrawals or surrenders. But the figures shown in the same column against "Totals"—represent merely the totals of the Original (and Supplementary) grants, unaffected by withdrawals or surrenders. In order to neutralise the effect of reductions made in the sanctioned grant under different sub-heads on account of withdrawals or surrenders, a sub-head "Surrenders or withdrawals within grant" has been opened as the last sub-head in the accounts. In the case of a grant in which re-appropriation, etc., affect the sub-head "Deduct—Recoveries" the adjusting sub-head mentioned above is divided into "Gross and Deductions" in the Appropriation Account to correspond with those for "Gross and Deductions" in the Grant or Appropriation concerned.

Variations between the "Original Grant" and the "Final Grant" are mainly due to the non-implementation of the Scheme in Ahmedabad, Saurashtra, Greater Calcutta, Cannanore, Kundara, Gulbarga, Trichy, Kallapatti, Phagwara, Govindgarh, Meerut, Ferozabad, Rajnandgaon and Kymore, etc., and delay in implementation of the Scheme in Warrangal, Sirpur, Guntakal, Brajrajnagar, Kozhikode and Feroke beyond the dates originally anticipated and provided for. The sub-heads affected on this account have been denoted by "*" marks.

Explanations of the variations between the Final Grant and Actual Expenditure under each sub-head where considered necessary have also been given.

REVENUE

(Figures in units of rupees)

Major Head and Sub-Head 1	Final Grant 2	Actual Expenditure 3	Excess(+) Savings(—) 4
	Rs.	Rs.	Rs.
No. 1—BENEFITS			
A-MEDICAL BENEFITS :			
Payments to State Governments, etc. as Corporation's share of their expenses on providing medical treatment, maternity facilities, etc.	2,19,50,000	2,19,28,014	(—) 21,986
O. 4,25,00,000			
R(—) 2,05,50,000*			
<i>Col. 1.</i> —Mainly due to non-extension of medical facilities to the families of the insured persons and non-implementation of Scheme in certain new areas as originally anticipated.			
B-CASH BENEFITS			
SICKNESS BENEFITS :	2,22,20,000	2,22,14,252	(—) 5,748
(including extended benefits)			
O. 2,28,66,000			
R.(—) 6,46,000*			
MATERNITY BENEFITS	13,90,000	13,59,450	—30,510

Major Head and Sub-Head	Final Grant	Actual Expenditure	Excess(+) Savings(—)
I	2	3	4
	Rs.	Rs.	Rs.
O. 16,74,000 R.(—) 2,84,000*			
DISABLEMENT BENEFITS	54,99,000	59,14,923 (+)	4,15,923
O. 49,56,000 R.(+) 5,43,000			
<i>Cols. (1) and (4).—Due to changed capitalisation basis adopted in the First Valuation of the Scheme. Arrears of capitalised value of the Disablement benefits, for the years prior to 1958-59 adjusted in the accounts for this year.</i>			
DEPENDANTS' BENEFITS	9,50,000	10,10,541 (+)	60,541
<i>Col. 4.—Due to changed capitalisation basis adopted in the First Valuation of the Scheme. Arrears of capitalised value of the Disablement benefits for the years prior to 1958-59 adjusted in the accounts for this year.</i>			
C-OTHER BENEFITS	1,48,900	1,34,081 (—)	14,819
O. 1,28,800 R.(+) 20,100			
<i>Col. 1.—Based on the trend of expenditure on Medical Boards and payment to Insured Persons on account of Conveyance Charges and/or loss of wages.</i>			
<i>Col. 4.—Due to less expenditure on provision of artificial limbs to Insured Persons than anticipated.</i>			

N. 2—ADMINISTRATION EXPENSES

A—SUPERINTENDENCE:

Corporation, Standing Committee, Regional Boards, etc.	24,000	24,658	(+)658
O. 24,500 R. (—) 500			

Col. 4.—Due to more meetings in the year under review and due to the setting up of Regional Boards in Assam State. Expenditure in March, 1960 was more than originally anticipated.

PRINCIPAL OFFICERS

Pay of Principal Officers	55,100	55,055	(—) 45
O. 77,700 R. (—) 22,600			

Col. 1.—Mainly due to the posts of Medical Commissioner not having been filled up.

Allowances & Honoraria	24,100	24,634	(+)534
O. 34,100 R. (—) 10,000			

Col. 1.—Mainly due to the posts of Medical Commissioner not having been filled up.

Col. 4.—Due to the revision being slightly on high side.

Leave & Pension Contributions	12,950	12,912	(—)38
O. 12,300 R. (+) 650			

Col. 1.—For meeting the expenditure on Foreign Service Contributions due to appointment of Insurance Commissioner in August, 1959.

OTHER OFFICERS :

Pay of Other Officers	5,30,200	5,28,486	(—)1,714
O. 4,88,200 R. (+) 42,000			

Col. 1.—Due to increase in work load, certain posts were authorised to be filled up at Headquarters and at certain Regional Offices.

Major Head and Sub-Head	Final Grant	Actual Expenditure	Excess (+) Savings (—)
I	2	3	4
	Rs.	Rs.	Rs.
Allowances & Honoraria	2,54,700	2,53,875	(—)825
O. 2,57,400			
R. (—) 2,700			
Col. 1—The original grant was slightly on high side.			
Leave & Pension Contributor @	21,110	20,215	(—)895
O. 12,700			
R. (+) 8,410			
Col. 1.—Due to the appointment of a new officer under foreign service terms.			
MINISTERIAL ESTABLISHMENT			
Pay of Ministerial Establishment	10,61,500	10,59,489	(—)2,011
O. 11,49,900			
R. (—)88,400*			
Allowances and Honoraria	10,77,500	10,77,942	(+)442
O. 12,14,800			
R. (—)1,37,300*			
Contribution to ESIC Provident Fund	3,00,000	2,63,311	(—)36,689
Column 4—The increase in the number of subscribers was less than anticipated.			
CLASS IV SERVANTS			
Pay of Class IV Servants	1,51,000	1,50,107	(—)893
O. 1,38,700			
R. +12,300			
Column 1—The provision originally made was on the low side.			
Allowances & Honoraria	2,73,500	2,72,365	(—)1,135
O. 2,57,000			
R. (+)16,500			
Column 1—The provision originally made was on the low side.			
CONTINGENCIES			
(a) Postage—Telegram & Telephone Charges	1,64,000	1,61,800	(—)2,200
O. 2,33,000			
R. (—)69,000*			
(b) Stationery & Forms	11,72,630	11,73,501	(+)871
O. 6,53,000			
R. (+)5,19,630 (includes "B-Field Work" also)			
Column 1—Due to increase in the printing of new forms consequent on anticipated implementation of Scheme in new areas.			
(c) Contribution Stamps	48,400	46,566	(—)1,834
O. 60,000			
R. —11,600*			
Column 4—Less debit was raised by the Bank on account of commission for the sale of stamps than anticipated.			
(d) Purchase, repair, maintenance, etc. of Type-writers, Duplicators etc.	42,200	37,641	(—)4,559
O. 92,000			
R. (—)49,800* (includes "B-Field Work" also)			
Column 4—Due to non-payment of certain bills due to technical discrepancies.			
(e) Purchase, repair, maintenance, etc. of Adrema equipment	46,900	46,063	(—)837
O. 75,000			
R. —28,100*			
Column 4—Due to delay in payment of bills by 31st March '60.			

@Includes details of "B-Field Work" also.

Major Head and Sub-head	Final Grant	Actual Expenditure	Excess(+) Savings (—)
1	2	3	4
	Rs.	Rs.	Rs.
(f) Rent, Rates & Taxes	2,11,000	2,07,228	(—)3,772
O. 2,69,000			
R. (—)58,000*			
Column 4—Due to late receipt/non-receipt of the expected bills.			
(g) Furniture	34,000	28,581	(—)5,419
O. 79,000			
R. (—)45,000*			
Column 4—Partly due to the non-receipt of bills in time and partly due to non-supply of furniture by the firms.			
(h) Special Equipment for Records	13,800	10,406	(—)3,394
O. 43,700			
R. (—)29,900 *			
Column 4—Due to non-receipt of some of the consignments			
Other Contingent Charges	1,50,000	1,45,121	(—)4,879
O. 1,47,300			
R. (+)2,700			
Column 1—Based on trend of expenditure under '(o) Misc.'			
Column 4—Due to (1) late receipt of certain bills and (2) Less expenditure on freight for despatch of forms to Regional Directors.			
B—FIELD WORK			
Pay of Officers	82,800	82,736	(—)64
O. 85,300			
R. (—)2,500*			
Allowances & Honoraria	38,500	38,970	(+)470
O. 42,100			
R. (—)3,600*			
Column 4—Due to the revision being slightly on the high side.			
MINISTERIAL ESTABLISHMENT			
Pay of Ministerial Establishment	12,78,000	12,74,594	(—)3,406
O. 13,22,800			
R. (—)44,800*			
Allowances & Honoraria	10,12,700	10,11,810	(—)890
O. 10,63,700			
R. (—)51,000*			
CLASS IV STAFF			
Pay of Class IV Staff	1,45,100	1,43,530	(—)1,570
O. 1,45,900			
R. —800*			
Allowances & Honoraria	2,42,800	2,41,907	(—)893
O. 2,68,300			
R. (—)25,500*			
CONTINGENCIES			
Postage, Telegram & Telephone Charges	39,400	38,548	(—)852
O. 63,000			
R. (—)23,600*			
Rent, Rates & Taxes	1,94,000	1,95,017	(—)1,017
O. 2,96,000			
R. (—)1,02,000*			
Column 4—Due to the revision slightly on the high side.			
Furniture	43,200	39,033	(—)4,167
O. 1,21,000			
R. (—)77,800*			
Column 4—Due to non-receipt of goods and also some of the bills in March, 1960.			

Major Head and Sub-Head	Final Grant	Actual Expenditure	Excess(+) Savings(—)
I	2	3	4
	Rs.	Rs.	Rs.
Special equipment for Records	1,22,000	1,14,807	(—)7,193
O. 2,04,000			
R. (—)82,000*			
Column 4—Due to late receipt of bills and non-receipt of expected consignments.			
Other Contingent Charges	82,300	81,708	(—)595
O. 1,33,200			
R. (—)50,900*			
C—OTHER CHARGES			
Legal Charges	78,000	75,002	(—)2,998
O. 70,000			
R. (+)8,000			
Column 1—Based on trend of expenditure.			
Column 4—Due to non-receipt of bills from counsels.			
Insurance Courts	16,000	12,088	(—)3,912
O. 60,000			
R. (—)44,000*			
Column 4—Due to non-receipt of claims from State Governments as anticipated.			
Publicity and advertisement	4,200	3,667	(—)533
O. 20,000			
R. (—)15,800*			
Column 4—Due to non-receipt of claims from State Governments for expenditure incurred on publicity.			
Repairs, Maintenance and Depreciation etc. Charges of buildings	24,200	25,586	(+)1,386
O. 25,900			
R. (—)1,700			
Columns 1 and 4—A sum of Rs. 1,436.07 nP. was provided for Depreciation Reserve Fund of equipments in Hospitals and examination centres which was not anticipated earlier.			
Other Miscellaneous Charges	35,400	35,934	(—)534
O. 36,500			
R. (—)1,100*			
Column 4—Due to the revision being slightly on the high side.			

No. 3—INTEREST ON LOANS

Interest paid to the ESIC PROVIDENT FUND	76,000	88,082	(+)12,082
Column 4—Contributions by employees were more than expected resulting in payment of more interest than anticipated.			
Deduct—Interest accrued and/or realised on investment of Provident Fund balances	(—)18,000	—17,951	(+)49
Surrenders or withdrawals within the grant			
Gross R. (—)2,13,86,710	(+)2,13,86,710	—	—2,13,86,710
Deductions R. ..	..	..	..
Gross	8,27,27,800	6,16,64,273	(—)2,10,63,527
Total Deductions	(—)18,000	—17,951	(+)49

Major Head and Sub-Head	Final Grant	Actual Expenditure	Excess(+) Savings(—)
1	2	3	4
Rs. Rs. Rs.			
No. 4—EXPENDITURE ON CAPITAL ACCOUNT			
<i>Land and Building :</i>			
<i>Purchase and Constructions, etc.</i>			
<i>Buildings for Offices of the Corporation</i>	5,65,900	5,65,859	(—)41
O. 5,00,000			
R. (+)65,900			
<i>Column 1—Paid towards cost of land purchased for the Regional Office, Kanpur building, which was not anticipated earlier.</i>			
<i>Hospitals and Dispensaries</i>	13,46,400	13,46,366	(—)34
O. 85,00,000			
R. (—)71,53,600			
<i>Column 1—Mainly due to non-receipt of plans from State Governments regarding construction of buildings hospital and dispensaries.</i>			
<i>Equipment of Hospitals</i>			
O. 15,00,000			
R. (—)15,00,000			
<i>Column 1—Due to non-receipt of proposals from State Governments for purchase of equipments for the hospitals.</i>			
<i>Surrenders or withdrawals within the grant</i>			
R. (—)85,87,700	(+)85,87,700	..	(—)85,87,700
Total	1,05,00,000	19,12,225	85,87,775
. 5—LOANS & ADVANCES BY THE CORPORATION			
<i>Loans to State Governments</i>			
O. 80,00,000			
R. —80,00,000			
<i>Column 1—Due to non-drawal by the State Government of the loan already sanctioned.</i>			
<i>Advances to the employees of the Corporation for purchase of conveyances</i>	36,900	34,895	(—)2,005
O. 40,000			
R. —3,100			
<i>Column 1—Based on the trend of expenditure during the first six months of the year.</i>			
<i>Column 4—Actual expenditure was less than anticipated.</i>			
<i>Advances to employees of the Corporation on festivals etc.</i>	1,02,000	91,129	(—)10,871
O. 70,000			
R. (+)32,000			
<i>Column 1—Based on trend of expenditure.</i>			
<i>Column 4—Advances have not been drawn by all the employees as anticipated.</i>			
<i>Surrenders or withdrawals within the grant</i>			
R. (—)79,71,100	(+)79,71,100	..	(—)79,71,100
Total	81,10,000	1,26,024	79,83,976

(V. R. MAHADEVAN),
Chief Accounts Officer
Employees' State Insurance Corporation.

APPENDIX 'E'

Comparative Statement of Expenditure under Different Heads of Accounts during the year 1958- and 1959-60

Sl. No.	Head of Accounts	1958-59	1959-60
1	To Corporation Standing Committee Regional Board, etc.	6,107	24,658
2	To pay of Principal Officers	55,106	55,055
3	To pay of other officers	5,07,024	6,11,222
	To pay of Ministerial Estt.	20,09,001	23,34,083
5	To pay of Class IV Servants	2,48,099	2,93,637
6	T T. A. and Conveyance Allowance	2,12,017	2,37,831
7	To Dearness Allowance	9,06,887	10,46,034
8	To Dearness pay	7,53,365	8,71,013
9	To House Rent Allowance	3,78,896	4,16,719
10	To City Compensatory Allowance	2,25,371	2,44,072
11	To other allowance	1,17,389	1,05,834
12	To leave and Pension contribution	20,012	33,127
13	To contributions to Employees' State Insurance Provident Fund including interest paid	2,27,850	2,63,311
14	To postage, Telegram & Telephone charges	1,69,898	2,00,349
15	To forms, Stationery & Printing charges	5,65,677	11,73,501
16	The Expenditure on Contribution Stamps	54,901	46,565
17	To cost of typewriters, comptometers, duplicators, calculating machines etc.	16,361	30,384
18	To expenditure connected with Adrema Equipments	32,628	42,059
19	To Rents, Rates and Taxes	3,29,929	4,02,245
20	To cost of furniture and General articles for office use	48,807	1,07,731
1	To Special Equipment for Records	84,076	1,24,762
2	To cost of cycles	1,141	304
23	To Repairs, Maintenance of Furniture and Equipments, etc.	13,038	20,371
24	To Miscellaneous	1,43,327	1,77,756
25	To Legal charges	46,181	75,002
26	To Insurance Courts	589	12,088
27	To Publicity & Advertisement charges	7,707	3,667
28	To Bank Charges	5,280	11,167
29	To Audit Fees	18,630	22,410
30	To Depreciation Reserve Fund of Buildings	4,700	6,136
31	To Losses . . . . .	..	2,347
	TOTAL	72,29,354	90,14,890

APPENDIX F

Statement showing administrative cost etc. as compared with benefits etc.

	1952-53	1953-54	1954-55	1955-56	1956-57	1957-58	1958-59	1959-60
I. Total Administrative Cost	21,01,420	24,72,797	34,73,578	44,64,591	50,58,982	62,36,431	72,74,965	90,85,021
II. (a) Employers' Special Contribution	1,31,40,677	1,76,43,593	1,87,89,480	2,25,29,288	2,59,39,404	2,83,41,328	2,90,24,081	3,18,53,731
(b) Employees' Contribution	30,73,643	34,69,007	97,26,312	2,39,61,290	3,22,02,834	3,52,35,954	3,81,11,950	4,08,09,252
	1,62,14,320	2,11,12,600	2,85,15,792	4,64,90,578	5,81,42,238	6,35,77,282	6,71,36,031	7,26,62,983
Total Outgoings.								
III. (Expenditure on Revenue account)	28,45,457	49,53,181	81,92,943	1,80,64,180	2,88,30,091	4,37,99,697	4,87,90,810	6,16,46,323
IV. Total Benefits	7,44,037	24,80,384	47,19,365	1,35,99,589	2,37,71,109	3,75,63,266	4,15,15,845	5,25,61,301
Ratio of Administrative Cost to	{ 12.96% 73.85% 282.43%	{ 11.71% 49.92% 89.69%	{ 12.18% 42.40% 73.60%	{ 9.60% 24.71% 32.83%	{ 8.7% 17.55% 21.28%	{ 9.8% 14.2% 16.8%	{ 10.84% 14.92% 17.5%	{ 12.50% 14.74% 17.28%

NOTE.—IV does not include share of benefit expenditure borne by the State Governments.

APPENDIX 'G'

FINANCIAL REVIEW OF THE WORKING OF THE EMPLOYEES' STATE INSURANCE CORPORATION FOR THE YEAR 1959-60

The total revenue income of the Corporation during the year amounted to Rs. 7,87,37,164. The bulk of this income was derived from contributions payable by the employers and employees. The income from Employers' Special Contribution was Rs. 3,18,53,731 and that from employees Rs. 4,08,09,252. The interest income from investment amounted during the year to Rs. 59,49,470 and the income from miscellaneous items to Rs. 1,24,711.

2. The main items of expenditure of the Corporation consisted of (a) payments to State Governments as the Corporation's share of the expenses on medical care, (b) cash benefits paid to insured persons and their dependants and (c) administrative expenditure. The payments made to State Governments during the year under report amounted to Rs. 2,19,28,014 and on account of administrative expenditure Rs. 90,85,021. The total expenditure on cash benefits and other benefits debited to the accounts for the year, amounted to Rs. 3,04,99,207 and Rs. 1,34,080 respectively as follows:—

(i) Cash Benefits	Rs.	Rs.
Sickness benefits	2,15,93,937	
Extended Sickness benefits	6,20,316	
Maternity benefits	13,59,490	
Disablement benefits (including capitalised value in respect of Permanent Disablement Benefits)	59,14,923	
Capitalised values in respect of payments payable to dependants of insured persons	10,10,541	
		3,04,99,207
(ii) Other Benefits		1,34,080

3.1 Besides the payment made to the State Governments during the current year and in the earlier years, some unpaid liability on account of these payments had not been included in the accounts. In respect of 1959-60 an estimated amount of about Rs. 20 lakhs was still due on 31st March, 1960 for payment to the State Governments. In addition to this, an amount of about Rs. 12 lakhs remained unpaid on account of payments due to the State Governments in respect of the period prior to 31st March, 1959 also. This makes a total of nearly Rs. 32 lakhs as an outstanding amount due upto 31st March, 1960 for payment to the State Governments on account of medical benefit. Payments in respect of these also would be completed as and when the State Governments prefer finally their claims after their accounts are audited.

3.2 In the total payment during the year 1959-60, Rs. 21,24,458 was included on account of outstanding dues carried forward from the previous years. Thus, an amount of Rs. 1,98,03,555.83 only was paid to the State Government during the year 1959-60 on account of dues arising during that year.

4.1 The Corporation has a few other items of outstanding liabilities, which do not figure in the accounts. These are in the nature of (a) payments due to State Governments in respect of Employees' Insurance Courts, (b) payments to counsels in some cases conducted on behalf of the Corporation and, lastly, (c) the amount due to insured persons in respect of claims received late in the year 1959-60 and for which they have not received payment on that date.

4.2 It is almost impossible without very considerable labour to ascertain the extent to which amounts were due to insured persons on 31st March, 1960 but if we assume that the amount due constitutes nearly 15 days' payment they would be of the order of 1/24th of the total payments of cash benefits effected during the year. The amount in respect of this may, therefore, be taken to be about 13 lakhs of rupees.

4.3 The amounts in respect of Employees' Insurance Courts and Counsels' fees are comparatively very small and it does not appear necessary to take them into consideration for purposes of the financial review of the Corporation. It will be observed from the account that the total expenditure on these items in the year 1959-60 was only Rs. 87,090.

5.1 The outstanding income of the Corporation as on 31st March, 1960 consists of contributions due from employers (*viz.*, employers' special contributions and/or employees' contributions).

5.2 It is estimated that Rs. 34,04,059 is the amount of Employers' Special Contribution due in respect of privately owned and definitely covered factories in default on 31st March, 1960.

5.3 The employees' contribution is paid in the shape of contribution stamps or by franking machines. The cards fixed with stamps are submitted to the Corporation after expiry of about six weeks from the close of the contribution period to which they relate. The amount of Employees' Contribution due as on 31st March, 1960 in respect of privately owned and definitely covered factories in default for two or more quarters is Rs. 23,53,486.

6. It will be seen that the income from the contribution from employers and employees continues to be in excess of the expenditure on benefits and administrative expenses although the excess of income over expenditure is shrinking. This arises mainly due to the slow extension of medical care to families of insured persons. When this benefit is extended to the families of all insured persons, it is feared that this margin will vanish and we may have to draw upon the Reserves unless it is decided in the meantime to revise the rate of employers' contribution. During the year 1959-60, Medical Care to families of insured persons was extended so as to cover an additional 2.13 lakhs family units, thus bringing the total number of family units covered under the Scheme to 4.48 lakhs as on 31st March, 1960.

APPENDIX 'H'

EMPLOYEES' STATE INSURANCE CORPORATION
(MINISTRY OF LABOUR & EMPLOYMENT)

PAGES 31-45

	Rs.	Rs.
<i>Review of Balances As on 31st March, 1960.</i>		
I. (A) <i>Lands and Buildings (wholly owned by the Corporation)</i>		Dr. 16,49,644.13
(a) <i>Buildings for Offices of the Corporation</i>		Dr. 10,94,602.89
(b) <i>Hospitals and Dispensaries</i>		Dr. 5,55,041.24
TOTAL		Dr. 16,49,644.13
 (a) <i>Buildings for offices of the Corporation.</i>		
(1) <i>Employees' State Insurance Corporation Building, Colaba Causeway, Bombay</i>	..	9,11,686.33
(2) (i) <i>Kishanganj Local Office, Rohtak Road, Kishanganj, Delhi</i>	42,428.94	
(ii) <i>Subzimandi Local Office, Roshanara Extension, Subzimandi, Delhi</i>	29,052.50	
(iii) <i>Expenditure incurred in the buildings of Local Offices Kishanganj and Subzimandi</i>	576.00	72,057.44
<i>(Allocation of the Expenditure of Rs. 576/- between Kishanganj and Subzimandi Local Offices referred to the Executive engineer).</i>		
(3) <i>Plot for Headquarters Office at Mathura Road at the junction of the Kotla Road and Rouse Avenue</i>	..	48,000.00
(4) <i>Plot of land for Regional Office Kanpur Building</i>	..	65,859.12
TOTAL (a)		10,94,602.89

	Rs.	Rs.
(b) <i>Hospital and Dispensaries.</i>		
(i) Plot of land for the construction of ESIC Hospital, Bangalore to be constructed by the State Government at the Corporation cost (70875 Sq. Yds.)		3,54,375·00
(ii) Plot of land for the construction of ESI Dispensary at Raipurwa, Kanpur	17,808·12	
(iii) Plot of land for the construction of ESI Dispensary at Dalelpurwa, Kanpur	32,858·12	
(iv) Plot of land for the construction of 100-bedded Hospital at Kanpur	1,50,000·00	2,00,666·24
TOTAL (b)		5,55,041·24

The lease deed in respect of ESIC Building at Bombay has been received and kept under the safe custody at Headquarters Office. With regard to the deeds in respect of the rest of the buildings and plots of lands, the matter is being actively pursued with the parties concerned.

Rs.

(B) *Lands and Buildings jointly owned by the Corporation and State Government (Corporation share).*

(a) <i>Hospital and Dispensaries</i>	Dr.	45,733·03
(b) <i>Equipment for Hospitals</i>	Dr.	5,744·36
		51,477·39

(a) Represents the cost for the construction of 25-bedded T.B. Ward in Mayo Hospital, Nagpur.

(b) Represents the 50% of the cost of X-Ray Plant provided at the Government Hospital Ambasamudram.

(2) <i>Suspense—Advance for construction of Hospital etc.</i>	Dr.	20,59,750·00
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The balance represents the advance payments made to the State Governments and Central Public Works Department for the construction of Hospitals etc. as detailed below :—

(1) <i>Government of Andhra Pradesh</i> for construction of 32 bedded ward in K.E.M. Hospital at Secunderabad and 16 bedded ward in T.B. Hospital Erramnuma, Hyderabad . . . . .	..	90,600·00
(2) <i>Government of Madras—</i>		
(a) for the construction of 84 bedded annexe to Government Hospital, Coimbatore . . . . .	..	2,10,950·00
(b) for the construction of 175-bedded E.S.I. Hospital at Madras . . . . .	..	2,00,000·00
(3) <i>Government of Punjab—</i> Cost of construction of 12-bedded ward in the R.B. Gujarmal Kesar Devi T.B. Sanatorium, Amritsar . . . . .	..	58,200·00
(4) <i>Government of Uttar Pradesh—</i> Amount advanced for the construction of 100 bedded Hospital Kanpur . . . . .	..	10,00,000·00
(5) <i>Central Public Works Department, New Delhi—</i> Amount advanced for the construction of Headquarters Office building at Mathura Road, New Delhi . . . . .	..	5,00,000·00
TOTAL		20,59,750·00

The works in respect of the following buildings have since been completed and the balances on this account will be finally adjusted in the appropriate head of account on receipt of the audit statements of expenditure from the State

Governments concerned. The matter is being actively pursued with the State Governments.

- (1) 32-bedded Ward in K.E.M. Hospital, Secunderabad.
- (2) 16-bedded Ward in T.B. Hospital, Erramnuma, Hyderabad.
- (3) 84-bedded annexe in Government Hospital, Coimbatore.

As for the rest, the construction work is in progress.

(3) *Employees' State Insurance Corporation Provident Fund*

	Cr. Rs. 28,60,587.06
(Investment)	Dr. Rs. 24,33,836.82

The credit balance represents the net balance lying to the credit of the subscribers to the fund, after taking into account the temporary withdrawals and final payments made on quitting service to the subscribers to the Fund during the year. This also includes the Corporation's share of contributions at 8-1/3 per cent of the subscribers pay drawn on duty. The sum total of the balances of the personal accounts of the subscribers to the Fund has been agreed with the ledger balances. Balances of individual subscribers have been communicated to them separately.

The debit balance represents the amount invested in purchasing Government of India securities for the fund. The balance has been agreed with the sum total of the balances of the various component securities entered in the special register maintained for the purpose. A statement showing the Face Value, Purchase Price and the Market Price of the various component securities as on the 31st March, 1960 is attached as Appendix 'A'.

4. (a) *Depreciation Reserve Fund of buildings for the offices of the Corporation.*

	Cr. Rs. 1,02,609.17
(Investments)	Dr. Rs. 95,852.94

(b) *Repairs and Maintenance Reserve Fund of buildings for the offices of the Corporation.*

	Cr. Rs. 1,19,085.30
(Investments)	Dr. Rs. 86,088.43

The credit balances represent the balances of the Reserve Funds created for the Employees' State Insurance Corporation buildings at Bombay and at Kishan-ganj and Subzimandi in Delhi. The debit balances indicate the sum invested in Government of India securities as shown in the statements as Appendices 'B' and 'C'. Appropriations are made from the current Revenues of the Corporation towards the Fund and interest accruing on the investments is also added to the Fund. Necessary adjustments on account of the Reserve Fund have been made in the accounts for the year. The figures have been agreed with those detailed in the special register maintained for the purpose.

(5) *Depreciation Reserve Fund of Equipments in Hospital and Examination centres.*

	Cr. Rs. 1,436.07
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The credit balance represents the reserve credited for the depreciation for the period October, 1957 to March, 1960 in respect of the X-Ray Plant installed at the Government Hospital, Ambasamudram, jointly owned by the State Government and the Corporation.

6. (a) *Permanent (Partial and Total) Disablement Benefit Reserve Fund.*

	Cr. Rs. 93,64,721.13
(Investments)	Dr. Rs. 62,30,762.55

(b) *Dependants' Benefit Reserve Fund.*

	Cr. Rs. 29,92,404.93
(Investments)	Dr. Rs. 21,75,708.45

The credit balances represent the balances brought forward from the last year *plus* the amount appropriated to the Fund on account of the capitalised values of the permanent (Partial and Total) Disablement Benefit/Dependants' Benefits sanctioned to the insured persons or their dependants. The debit balances represent the amount invested in the Central and State Governments securities as shown in the statement in Appendices 'D' and 'E'. The interest accruing on the investments is added to the funds. The necessary adjustments on account of the appropriation to the fund, etc., have been made during the year and the closing balances have been agreed with those detailed in the special register maintained for the purpose.

7. *Deposits of securities by others,*
e.g., *contractors.*

Cr. Rs. 56,081·09

This represents the outstanding balance of Security Money received from contractors for the successful completion of their contracts with the Corporation for supplies and services. An analysis of the amount region and year-wise is given below:—

DETAILS OF DEPOSIT OF SECURITIES BY OTHERS, i.e., CONTRACTORS

	Y E A R						Total
	1954-55	1955-56	1956-57	1957-58	1958-59	1959-60	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Headquarters	2,424·00	7,471·32	31,006·00	40,901·32
Ahmedabad	146·00	146·00
Andhra	240·00	240·00
Assam	40·00	40·00
Bihar	148·92	..	140·00	288·72
Bombay	350·00	1,695·00	1,995·00
Delhi
Kerala	143·70	605·00	748·70
Madhya Pradesh
Madras	..	75·00	..	130·00	..	74·35	279·35
Mysore	10·00	130·00	105·00	325·00
Orissa	300·00	300·00
Punjab
Rajasthan
Uttar Pradesh	300·00	..	40·00	540·00
West Bengal	570·00	..	530·00	230·00	40·00	8,907·00	10,277·00
TOTAL.	570·00	75·00	530·00	3,442·72	8,135·02	43,328·35	56,081·09

The balances have been verified and reconciled with the balances worked out in the respective broadsheets. In certain cases the security is to be refunded after the completion of the job which has not yet been done, and in some other cases the time limit of six months after the date of completion of contract has not yet expired for making the refund or the parties concerned have not claimed for refund. A sum of Rs. 7,349·35 has since been adjusted in 1960-61 and the balance amount will be refunded at the appropriate time.

8. *Deductions from bills payable to*
other parties.

Cr. Rs. 396·74

This represents the sum total of the deductions made by the Corporation on account of house rent and income-tax, etc., from the pay and allowances of the employees of the Corporation which are payable to third parties. The balance has been verified with the balances worked out in the respective broadsheets. A sum of Rs. 323·76 has since been adjusted during 1960-61 and steps are being taken for payment of the remaining amount of the parties concerned.

9. *Unclaimed deposits in the Employees' State Insurance Corporation Provident Fund.*

Cr. Rs. 2,478-00

This represents the amount lying in the Employees' State Insurance Corporation Provident Fund unclaimed for the last 3 years in the accounts of the subscribers who have already left the service of the Corporation. The amount will be paid to the subscribers, when claimed.

10. *Miscellaneous Deposits and Unclassified Receipts (Suspense Account).*

Cr. Rs. 5,619-05

The balance represents erroneous credits afforded by the State Bank of India to the Corporation on account of Insurance Premium Collection Charges, etc., sundry credits on account of excess capitation fee recovered from Insured Persons and recoveries made from the employers. A sum of Rs. 4,802-63 has since been adjusted upto 30th June, 1960.

11. *Permanent Advance to the Heads of Offices of the Corporation.*

Dr. Rs. 13,956-98

These are advances granted to Departmental Officers (Regional Directors, Managers of Local Offices, etc.), who have to meet certain classes of contingent expenditure before they can place themselves in funds by drawing bills.

The debit balance has been agreed with the balances worked out in the various broad-sheets. Acknowledgements have been received from the officers-in-charge of the offices concerned except in the case of Patna Region. The acknowledgement from Regional Office, Patna is awaited.

12. *Advances of pay on transfer to the employees of the Corporation.*

Dr. Rs. 4,291-00

Advance of one month's pay is paid to the employees of the Corporation on transfer from one station to another station, and is usually recovered in three monthly instalments commencing from the month in which a full month's pay is drawn after transfer. The balance has been agreed with the figures worked out in the separate broad-sheets maintained for the purpose. A sum of Rs. 2,101-00 has since been adjusted in 1960-61.

13. *Advance of Travelling Allowance on transfer to the employees of the Corporation.*

Dr. Rs. 5,646-38

The debit balance has been agreed with the balances worked out in the broad-sheets maintained for the purpose. A sum of Rs. 2,048-08 has since been adjusted in 1960-61.

14. *Loans to the Corporation employees for the purchase of conveyances.*

Dr. Rs. 43,816-78

This amount represents the balances of advances granted to the employees of the Corporation for the purchase of conveyances. The balance has been agreed with the closing balances worked out in the broad-sheets in which the detailed accounts of the loans granted to the individual employees are being watched separately. The recoveries of the monthly instalments towards repayment are being made regularly. Acknowledgements have been obtained from the Employees holding the advance except in some cases of Regional Offices, Patna, Cuttack and Gauhati. They are awaited. An amount of Rs. 7,820-92 has since been recovered in 1960-61.

15. *Miscellaneous advances to the employees of the Corporation.*

Dr. Rs. 11,015-00

This amount represents the balances of advances granted to the employees of the Corporation for festival, e.g., Diwali, etc. The balances have been agreed with the sum total worked out in the broad-sheets maintained for the purpose. An amount of Rs. 4,273.43 has since been recovered in 1960-61 and the balances of the advances are being recovered regularly in monthly instalments from the employees concerned.

16. *Advance payments on behalf of State Governments.*

Dr. Rs. 2,921.43

This represents the payments made on behalf of the State Governments on account of common services such as Water Charges in respect of some of the State Government dispensaries in Delhi, Conveyance Charges paid to the insured workers on behalf of Bombay and Uttar Pradesh Government, etc.

An amount of Rs. 15.50 has since been recovered in the year 1960-61.

17. *Miscellaneous Advances.*

Dr. Rs. 1,94,927.98

The debit balance represents the advances paid to the various parties for supplies and services rendered as detailed below:—

(1) Deputy Controller of Stationery Calcutta	1,19,829.12
(2) Central Public Works Department	55,253.53
(3) Pay & Accounts Office, Ministry of Works, Housing & Supply	1,437.32
(4) Superintendent Stationery & Printing, Allahabad	3,550.00
(5) Regional Directors & Other Officers of the Corporation	12,831.04
(6) Permanent Advances with the Post Master, Municipal Committees etc.	737.00
(7) Estate Manager, Bombay	194.70
(8) Employees of the Corporation residing in ESIC building, Bombay	1.87
(9) Life Insurance Corporation of India	650.00
10) Other Miscellaneous	443.40
TOTAL	1,94,927.98

Item (1) represents the advances paid to the Deputy Controller of Stationery, Calcutta for the supply of stationery and forms, etc., to the various offices of the Corporation. The amount will be adjusted on receipt of adjustment vouchers.

Item (2) represents the advance payments made to the Central Public Works Department for carrying out repairs, etc., to the buildings of various offices of the Corporation and will be cleared as soon as the jobs are completed and the adjustment bills are received.

Item (3) represents the amount paid to the Pay & Accounts Officer, Ministry of Works Housing and Supply, New Delhi for the supply of Cash Safes. A sum of Rs. 1,248.87 has since been adjusted in the accounts for April, 1960 and the bill for the balances of Rs. 188.45 is awaited.

Item (4) relates to the advance paid to the Superintendent, Stationery and Printing, Allahabad for the supply of stationery to Regional Office, Kanpur.

Item (5) represent the temporary advances paid to the Regional Directors or other officers of the Corporation for payment of supplies/services rendered to the Corporation. The amount will be adjusted in due course.

Item (6) is a sort of permanent advance made with the Post Master, Municipal Committees, etc., as deposit for the electric meters, etc.

Item (7) relates to the electricity charges in respect of common corridors and stair-cases, etc., due from the Estate Manager, Bombay for the period for which a portion of the Employees' State Insurance Corporation Building at Bombay was let out to the Government.

Item (6) shows the amount due from the employees of the Corporation residing in the Employees' State Insurance Corporation Building at Bombay on account of electricity charges.

Item (9) relates to the amount advanced to the Life Insurance Corporation for the provision of a cabin in the office premises in the Sunlight Insurance Building.

Item (10) this pertains to other Miscellaneous advances.

An amount of Rs. 15,208.96 has since been cleared in 1960-61.

An year-wise and Region-wise analysis of the various advances is appended in Appendix 'G'. The clearance of these outstanding items being pursued actively with the parties concerned.

18. *Advance to the Reserve Bank of India for purchase of securities.*

Dr. Rs. 89.59

This represents the unspent balance out of amount advanced to the Reserve Bank of India for the purchase of securities.

19. *Cash Remittances.*

Cr. Rs. (—) 6,495.49

This balance represents Cash Remittances of Rs. 12,004.51 nP. on the debit side and Rs. 18,500.00 on the credit side in the months of February and March, 1960 from offices within the Region which were not responded to by the offices concerned leaving a net credit balance of Rs. 6,495.49 nP. A sum of Rs. 9,004.51 nP. on the debit side and Rs. 18,500.00 nP. on the credit side has since been responded in 1960-61 and adjusted in the accounts.

20. *Other Remittances—Exchange Accounts.*

Dr. Rs. 246.00

This represents amounts transferred through exchange accounts from one Region to another Region, but not responded by the transferee Region. The amount has since been adjusted in the accounts for the year 1960-61.

21. *Cash Balance.*

(a) General Cash balance investment	..	Dr. Rs. 17,30,72,403.30
(b) Cash in hand and with the Bankers	..	Dr. Rs. 70,52,558.38

(a) This represents the purchase price of the various Government of India and State Governments securities in which the surplus cash balances of Corporation have been invested from time to time. The balance has been verified and agreed with the sum total of the purchase price of the several individual securities, the details of which are entered in a special register of securities maintained for the purpose. A statement showing the Face Value, Cost Price and Market Value of the various securities as on the 31st March, 1960 is attached as Appendix 'F'.

(b) The details of Cash balances are given below:—

Cash in hand	.. ..	Rs. 2,24,149.53
Cash with the State Bank of India	.. ..	Rs. 67,25,662.64
Cash with the Central Bank of India	Rs. 64,161.35
Cash with the Bank of Baroda Ltd.	Rs. 38,584.84

TOTAL	Rs. 70,52,558.38
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The cash balances with the bankers have been reconciled with the Bank returns received from the banks.

V. R. MAHADEVAN,
Chief Accounts Officer,
Employees' State Insurance Corporation.

APPENDIX 'A'

Sl. No.	Particulars of Securities	Face Value	Cost Price	Market Price	
				Rate Percent	Value
1	2	3	4	5	6
		Rs.	Rs.		
	<i>Employees, State Insurance Corporation Provident Fund</i>				Rs.
				Percent	
1	2½ percent Loan, 1961 .	7,000	6,336·44	98·50	6,895·00
2	2¾ percent Loan, 1962	3,000	2,746·62	98·05	2,941·50
3	3 percent Loan, 1964 .	70,200	65,060·50	97·95	68,760·90
4	3 percent Funding Loan, 1966-68	43,800	40,841·94	96·00	42,048·00
5	3 percent First Development Loan, 1970-75 .	2,08,000	1,81,369·07	92·10	1,91,568·00
6	2¾ percent Loan 1976	2,59,500	2,14,586·31	83·40	2,16,423·00
7	3 per cent Conversion Loan, 1946(1986) .	29,900	24,760·94	73·20	21,886·80
8	12-Year Postal National Savings Certificates .	18,98,135	18,98,135·00	..	18,98,135·00
	<i>Total Investment Employees' State Insurance Corporation Provident Fund .</i>	25,19,535	24,33,836·82	..	24,48,658·20

APPENDIX 'B'

Sl. No.	Particulars of Securities	Face Value	Cost Price	Market Price	
				Rate Percent	Value
1	2	3	4	5	6
		Rs.	Rs.	Percent	Rs.
	<i>Depreciation Reserve Fund of Buildings for the Offices of the Corporation—Investment Account</i>				
1	3 per cent First Development Loan, 1970-75	13,800	11,945 62	92·10	12,709 80
2	3¾ percent Loan, 1974. . . .	14,800	14,572 45	99·65	14,748 20
3	2¾ percent Loan, 1976. . . .	17,400	14,409 37	83·40	14,511 60
4	3 per cent Conversion Loan, 1946 (1986) .	15,600	12,655 50	73·20	11,419 20
5	12-Year Postal National Savings Certificates .	42,270	42,270 00	..	42,270 00
	<i>Total Investment Depreciation Fund Account of Buildings</i>	1,03,870	95,852 94	..	95,658 80

APPENDIX 'C'

Sl. No.	Particulars of Securities	Face Value	Cost Price	Market Price	
				Rate Per cent	Value
1	2	3	4	5	6
		Rs.	Rs.		Rs.
<i>Repairs and Maintenance Reserve Fund of Buildings for the Offices of the Corporation Investment Account</i>					
1	2½ per cent Loan 1961 .	14,000	12,672 75	98.50	13,790 00
2	3 per cent First Development Loan, 1970-75	15,700	13,590 31	92.10	14,459 70
3	3¾ per cent Loan, 1974	16,000	15,754 00	99.65	15,944 00
4	2¾ per cent Loan, 1976	19,200	15,900 00	83.40	16,012 80
5	3 per cent Conversion Loan, 1946 (1986) .	17,900	14,521 37	73.20	13,102 80
6	12-Year Postal National Savings Certificates .	13,650	13,650 00	..	13,650 00
<i>Total Investment Repairs and Renewals Reserve Fund of Buildings.—</i>		96,450	86,088 43	..	8

APPENDIX 'D'

Sl. No.	Particulars of Securities	Face Value	Cost Price	Market Price	
				Rate Per cent	Value
1	2	3	4	5	6
		Rs.	Rs.		Rs.
<i>Permanent (Partial and Total) Disablement Benefit Reserve Fund Investment Account.</i>					
1	3 per cent Loan, 1964 .	88,700	82,205 87	97.95	86,881 65
2	4 per cent West Bengal—1969	12,11,500	11,89,480 98	100.35	12,15,740 25
3	4¼ per cent Kerala State Development Loan, 1970	95,000	94,050 00	101.00	95,950 00
4	3 per cent First Development Loan, 1970-75	1,95,500	1,69,229 69	92.10	1,80,055 50
5	3¾ per cent Loan, 1974	12,80,800	12,61,107 70	99.65	12,76,317 20
6	2¾ per cent Loan, 1976	13,25,600	10,98,028 81	83.40	11,05,550 40
7	3 per cent Conversion Loan, 1946 (1986) .	3,32,400	2,69,659 50	73.20	2,43,316 80
8	4 per cent Loan, 1979	20,67,000	20,67,000 00	100.20	20,71,134 00
<i>Total Investment Permanent (Partial and Total) Disablement Benefit Reserve Fund Account</i>		65,96,500	62,30,762 55	..	

APPENDIX 'E'

Sl. No.	Particulars of Securities	Face Value	Cost Price	Market Price	
				Rate Per cent	Value
1	2	3	4	5	6
		Rs.	Rs.		Rs.
<i>Dependants' Benefit Reserve Fund Investment Account</i>					
1	3 per cent Loan, 1964 .	71,100	65,894 50	97.95	69,642 45
2	4 1/4 per cent Kerala State Development Loan, 1970 . . .	4,50,000	4,45,500 00	101.00	4,54,500 00
3	3 per cent First Development Loan, 1970-75	64,500	55,832 81	92.10	59,404 50
4	3 3/4 per cent Loan, 1974	4,55,600	4,48,595 14	99.65	4,54,005 40
5	2 3/4 per cent Loan, 1976	4,48,900	3,72,086 00	83.40	3,74,382 60
6	4 per cent Loan, 1979	7,87,800	7,87,800 00	100.20	7,89,375 60
<i>Total Investment Dependants' Benefit Reserve Fund Account</i>		22,77,900	21,75,708 45	..	22,01,310 55

APPENDIX 'F'

No.	Particulars of Securities	Face Value	Cost Price	Market Price	
				Rate Per cent	Value
1	2	3	4	5	6
		Rs.	Rs.		Rs.
<i>General Cash Balance</i>					
1	2 3/4 per cent Loan, 1960	53,77,600	50,62,589 81	99.75	53,64,156 00
2	4 per cent Loan, 1960-70	55,62,000	56,13,711 80	100.50	55,89,810 00
3	2 1/2 per cent Loan, 1961	56,84,100	52,12,677 09	98.50	55,98,838 50
4	3 1/2 per cent National Plan Bond—First Issue—1961	66,32,100	65,64,003 87	100.05	66,35,416 05
5	2 3/4 per cent Loan, 1962	1,32,19,900	1,22,75,840 99	98.95	1,29,62,111 5
6	3 1/4 per cent Loan, 1963	32,53,200	32,54,778 14	99.98	32,51,573 40
7	4 per cent West Bengal, 1963	9,02,500	9,06,222 80	100.45	9,06,561 25
8	3 per cent Loan, 1963-65	1,05,39,000	98,67,112 62	98.00	1,03,28,220 00
9	3 per cent Loan, 1964	31,16,400	29,18,537 49	97.95	30,52,513
10	3 1/2 per cent National Plan Loan, 1964	1,96,38,500	1,93,68,435 78	99.95	1,96,28,680 75
11	4 per cent West Bengal, 1964	46,000	46,143 75	100.40	46,184 00
12	3 1/2 per cent National Plan Bond—Second Issue—1965	1,80,83,700	1,78,16,019 21	99.80	1,80,47,532 60

1	2	3	4	5	6
		Rs.	Rs.	Per cent	Rs.
13	3 per cent Loan 1966-68	23,78,600	21,97,238 60	96.00	22,83,456 00
14	3½ per cent National Plan Bond—Third Series—1967	1,38,68,100	1,36,58,875 61	99.55	1,38,05,693 55
15	4 per cent Bihar 1967	5,00,000	4,97,512 50	100.25	5,01,250 00
16	4 per cent Andhra State Development Loan, 1968	15,00,000	14,68,087 50	100.30	15,04,500 00
17	4 per cent Madras 1968	21,00,000	20,64,212 50	100.35	21,07,350 00
18	4 per cent West Bengal 1968	46,19,800	45,34,883 53	100.35	46,35,969 30
19	4½ per cent Bombay State Development Loan 1969	19,40,900	19,36,047 75	102.65	19,92,333 85
20	4½ per cent Mysore State Development Loan 1969	14,79,300	14,77,221 25	102.00	15,08,886 00
21	4½ per cent Kerala State Development Loan 1970	13,48,800	13,35,312 00	101.00	13,62,288 00
22	4½ per cent Mysore 1970	1,40,100	1,43,073 62	102.05	1,42,972 05
23	4½ per cent West Bengal, 1970	26,80,000	27,10,840 00	102.10	27,36,280 00
24	4½ per cent Uttar Pradesh State Development Loan—1970	12,89,900	12,96,606 42	102.05	13,16,342 95
25	3 per cent First Development Loan, 1970—75	73,43,400	63,20,919 28	92.10	67,63,271 40
26	4 per cent Kerala State Development Loan, 1971	5,69,800	5,64,102 00	99.75	5,68,375 50
27	4 per cent Andhra 1971	3,00,000	2,99,587 50	99.80	2,99,400 00
28	4 per cent Bombay 1971	7,26,000	7,32,261 75	100.90	7,32,534 00
29	4 per cent Orissa 1971	13,97,500	13,95,578 44	99.80	13,94,705 00
30	4 per cent West Bengal 1971	15,63,800	15,61,649 77	99.85	15,61,454 30
31	4 per cent Madhya Pradesh State Development Loan, 1971	40,10,100	40,00,074 75	99.80	40,02,079 80
32	4 per cent Madras State Development Loan, 1971	38,67,400	38,48,063 00	99.80	38,59,665 20
33	4 per cent Uttar Pradesh State Development Loan, 1971	66,400	66,068 00	99.80	66,267 20
34	4 per cent Loan, 1979	50,95,400	51,02,880 37	100.20	51,05,590 80
35	4 per cent Loan, 1972	70,31,000	70,31,000 00	101.30	71,22,403 30
36	4 per cent Loan, 1973	1,56,10,500	1,56,31,169 69	101.20	1,57,97,826 00
37	3½ per cent Loan 1974	28,33,800	27,93,064 12	99.65	28,23,881 70
38	State Bank of India, New Delhi. (Short Term Deposits).	15,00,000	15,00,000 00	..	15,00,000 00
	Total Investment of General Cash Balance	17,78,15,600	17,30,72,403 30	..	17,69,06,374 20

APPENDIX 'G'

Yearwise Analysis of Balances under C-Other Advances-Miscellaneous as on 31st March, 1960.

Region	1950-51	1951-52	1952-53	1953-54	1954-55	1955-56	1956-57	1957-58	1958-59	1959-60	Total
Headquarters	4,782.77	1,131.69	..	688.25	..	9,216.53	688.00	16,507.24
Ahmedabad	845.00	845.00
Andhra	1,354.12	1,560.26	2,914.38
Assam	62.20	62.20
Bihar	3,728.90	1,084.49	4,813.39
Bombay	494.70	..	5,651.63	28,201.14	18,151.00	10,774.71	10,050.91	63,234.09
Cuttack	1,456.71	1,456.71
Delhi	84.00	..	50.00	..	..	1,846.74	6,380.16	265.56	426.88	1,557.12	10,610.46
Kerala	3,813.47	175.00	3,988.47
Mysore	3,217.78	1,537.32	4,755.10
Madhya Pradesh	120.00	1,816.00	4,117.65	120.00	6,173.65
Madras	37,406.03	..	4,824.82	518.89	42,749.74

Punjab . . . . .	..	..	..	..	..	..	..	..	30.00	2,245.29	1,980.99	4,256.28
Rajasthan . . . . .	..	..	..	..	..	..	..	..	120.00	3,097.00	235.88	3,452.88
Uttar Pradesh . . . . .	..	..	..	..	..	..	..	5,278.79	2.15	5,253.06	1.95	10,535.95
West Bengal . . . . .	..	..	..	..	..	..	2,353.34	..	1,029.59	6,602.55	8,496.96	18,482.44
TOTAL	84.00	..	50.00	5,277.47	1,131.69	9,851.71	78,074.37	11,414.30	58,672.76	30,371.68	1,94,927.98	

APPENDIX I

Statement showing the arrears of Employers' Special Contribution recoverable from

Region	1952-	1953	1954	1955	1956
Punjab	1,560.00	2,280.75	3,061.44	4,986.00	2,799.00
Mysore	4,474.00	4,806.16	7,487.75	9,867.94	10,284.10
Uttar Pradesh . .	6,126.37	12,129.00	12,742.99	5,416.62	20,597.27
Madras	10,935.19	16,372.00	16,932.17	19,643.63	31,984.07
Assam	373.75	523.30	1,709.44	2,804.63	2,674.09
West Bengal . . .	25,932.00	36,970.00	38,213.00	80,914.00	1,84,564.00
Andhra Pradesh . .	3,638.00	3,925.00	6,659.00	9,635.00	10,187.00
Bombay	9,767.44	53,851.36	31,448.00	7,960.00	11,506.75
Madhya Pradesh . .	507.00	1,003.00	1,642.00	3,871.00	6,023.00

privately owned covered factories upto the year 1959.

1957	1958	1959	Total	Remarks
3,331·75	3,181·01	5,426·00	26,625·95	Number of factories in default year-wise: Year: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 11, 13, 18, 17, 15, 15, 16, 18.
23,456·09	17,882·71	46,202·54	1,24,461·29	Number of factories in default yearwise: Year: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 22, 26, 31, 32, 34, 38, 44, 99.
1,22,634·42	67,195·94	1,74,604·38	4,21,446·99	It was stated that out of this amount a sum of about Rs. 2,00,000 was recovered upto the middle of June, 1960.
47,885·89	51,878·19	81,949·47	2,77,580·61	Number of factories in default year-wise: Year: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 35, 52, 63, 76, 91, 106, 123, 164.
2,995·55	2,531·68	5,514·25	19,126·69	Number of factories in default year-wise: Year : 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 6, 7, 10, 14, 12, 13, 12, 17.
1,92,832·00	1,58,327·00	3,35,169·00	10,52,921·00	The figures of arrears include a sum of Rs. 59,596·00 is due from liquidated factories. Out of the total arrears a sum of Rs. 1,38,532·00 was realised through cheques dated 11-6-60 which were still to be cleared at the time of local audit. Number of factories in default yearwise is as under:— Year : 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 54, 65, 102, 147, 190, 205, 154, 234.
13,907·00	18,114·00	46,760·00	1,12,824·00	Number of factories in default year-wise: Year : 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 34, 39, 49, 56, 51, 60, 51, 78.
1,09,701·35	1,74,834·06	3,26,597·98	7,25,666·94	Number of factories in default year wise: Year: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 25, 39, 41, 37, 53, 73, 126, 183.
40,728·00	93,310·00	1,18,383·00	2,65,467·00	Number of factories in default year-wise: Year: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 10, 11, 13, 20, 22, 35, 35, 33.

APPENDIX I

Statement showing the arrears of Employers' Special Contribution recoverable from

Region	1952	1953	1954	1955	1956
Bihar	6,089·00	6,364·00	8,321·00	8,097·00	22,934·00
Rajasthan	362·00	468·00	486·00	10,093·00	5,261·00
Kerala	2,835·00	3,109·00	3,859·00	4,737·00	8,351·00
Orissa	365·00	620·00	655·00	633·00	1,064·00
Delhi	1,467·00	2,490·00	3,056·00	4,223·00	5,017·00

privately owned covered factories upto the year 1959.

1957	1958	of	1959	Total	Remarks
34,459.00	67,799.00	57,161.00	2,11,224.00		Number of factories in default year-wise: Year: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 27, 28, 29, 32, 45, 46, 43, 49.
..	..	(a) 8,765.00	(b) 25,435.00		(a) The amount represents arrears of contribution from 1-4-57 onwards. (b) Includes arrears of Government, Semi-Government, etc. owned factories. Number of factories in default year-wise: Year: 1952, 1953, 1954, 1955, 1956, 1957 onwards.
9,837.00	8,743.00	19,550.00	61,021.00		Number of factories: 2, 3, 3, 7, 7, 7.
962.00	1,553.00	5,303.00	11,155.00		Number of factories in default year-wise: Year: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 2, 3, 4, 3, 7, 6, 9, 9.
4,923.00	6,177.00	13,162.00	40,515.00 (c) 98.00		(c) Arrears in respect of one liquidated factory (Code No. 216). Number of factories in default year-wise: Year: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories : 4, 5, 5, 9, 13, 15, 22, 34.
TOTAL . 33,75, 568.47					

Region	Statement showing the arrears of Employees' Contribution					APPENDIX
	1952	1953	1954	1955	1956	recoverable
Punjab	3,206·00	4,004·12	3,361·44	4,204·53	
Uttar Pradesh	445·00	632·44	3,506·06	10,635·41	21,854·32	
Madras	2,194·00	15,672·21	
Assam	
West Bengal	
Andhra Pradesh	30·65	122·63	
Bombay	3,980·04	18,566·51	23,978·14	
Madhya Pradesh	1,864·00	1,920·00	
Bihar	
Kerala	
Delhi	2,447·00	4,854·00	7,575·00	9,892·56	13,256·00	

DIX K

from privately owned covered factories upto the year 1959

1957	1958	1959	Total	Remarks
6,801.21	8,175.11	5,629.00	35,381.41	Number of factories in default year-wise: Year: 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories: 6, 7, 5, 11, 15, 20, 12.
1,303,587.81	41,006.76	31,838.51	2,40,506.31	Number of factories in default year-wise: Year: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories: 1, 1, 4, 4, 10, 11, 22, 31.
38,895.94	90,402.06	73,063.69	2,20,227.90	Number of factories in default year-wise: Year: 1955, 1956, 1957, 1958, 1959. Number of factories: 14, 22, 30, 40, 53.
..	605.38	3,373.00	3,978.38	Number of factories in default year-wise: Year: 1958, 1959. Number of factories: 4, 5.
..	..	..	3,70,338.55	The figure includes the arrears from 1952 to 1959. Number of factories: 174.
2,997.63	7,580.89	14,376.40	25,108.20	Number of factories in default year-wise: Year: 1955, 1956, 1957, 1958, 1959. Number of factories: 1, 1, 2, 11, 12.
83,876.88	3,32,385.68	2,11,794.66	6,74,58.91	Number of factories in default year-wise: Year: 1954, 1955, 1956, 1957, 1958, 1959. Number of factories: 17, 25, 32, 41, 65, 61.
1,755.04	1,60,994.39	2,54,861.08	4,21,394.51	Number of factories in default year-wise: Year: 1955, 1956, 1957, 1958, 1959. Number of factories: 2, 2, 4, 12, 12.
..	12,214.38	11,924.00	24,138.38	(a) Number of factories in default yearwise: Year: 1958, 1959. Number of factories: 11, 18.
..	..	..	(b) 1,692.00	(b) Represents contributions due for the period from January 1954 to to January 1958 from one factory gone into liquidation.
6,715.00	4,135.00	10,958.00	21,803.00	
18,877.62	56,244.00	79,499.19	*92,645.37 ** 245.00	*Number of factories in default yearwise: Year: 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959. Number of factories: 4, 6, 7, 11, 19, 24, 37, 33. **Contribution due from a factory (Code No. 216) gone into liquidation.
TOTAL			22,32,045.92	

APPENDIX J

Statement showing the arrears of Employers' Special Contribution and Employees' Contribution recoverable from Government, Semi-Government and Local Bodies owned factories upto the Calendar year 1959.

Name of the Region	E.S.C. in default	E.C. in default	Remarks
U.P.	1,02,667.00	1,45,919.50	
Assam	19,091.00	2,840.00	The figures do not include the amount of contribution in respect of the State Electricity Board, as the matter was under reference.
West Bengal	2,42,672.00	97,217.64	
Andhra Pradesh	74,226.00	2,32,525.64	
Madhya Pradesh	1,80,116.00	1,46,948.00	
Bihar	1,58,775.00	4,240.00	
Kerala	41,026.00	..	The figure includes E.C. also.
Delhi	1,899.00	20,396.00	
TOTAL	8,20,472.00	6,50,086.78	

APPENDIX M

Serial No.	No. & Name of the Form	Qty. of the order cancelled	Rate for the Qty. cancelled with M/s. Muther Press	Rate for the lost at which order is placed with other Presses			Difference between columns 4 & 5
1	2	3	4	5			6
				M/s. I.A. Printery	M/s. K.B. Ptg. Press	M/s. Kishori Lal & Sons	
1	No. 3 Cont. sheet	80,000	860.00	..	..	1,119.00	259.00
2	Esic-27 . . .	7,000	110.00	110.00	..	..	..
3	" -28 . . .	24,000	290.00	..	335.00	..	45.00
4	" -32 . . .	3,08,500	2,514.00	2,612.00	..	..	980.00
5	" -36 . . .	4,35,000	2,200.00	..	3,180.00	..	980.00
6	" -37 . . .	1,78,000	900.00	..	1,246.00	..	346.00
7	" -38 . . .	33,000	390.00	..	429.00	..	39.00
8	" -39 . . .	72,000	850.00	..	..	1,804.00	954.00
9	" -52 . . .	3,000	100.00	100.00	..	..	..
10	" -57 . . .	2,500	78.00	78.00	..	..	..
11	" -64 . . .	3,000	78.00	..	78.00	..	..
12	" -71 . . .	98,500	611.00	..	956.00	..	45.00
13	" -72 . . .	93,000	230.00	288.00	..	..	58.00
14	" -99 } . . .	4,500	145.00	..	..	79.00	48.00
15	" -100 } . . .	6,000				114.00	

1	2	3	4	5	6
				M/s. I.A. Printery M/s. K.B. Ptg Press M/s. Kishori Lal & Sons	
16	Esic -106	2,32,000	5,315·00	3,980·00	2,721·00
17	" -107	1,59,000		2,432·00	
18	" -108	1,06,500		1,624·00	
19	" -111	1,93,500	1,160·00	..	100·00
20	" -120	1,82,500	1,060·00	1,229·00	169·00
21	" -125	2,15,000	640·00	713·00	73·00
22	RM-3	1,23,000	800·00	965·00	165·00
23	" -7	46,000	275·00	305·00	30·00
24	" -2(a)	5,500	380·00	60·00	238·00
25	" -3 (a)	10,000		120·00	
26	" -4(a)	18,500		222·00	
27	" -5(a)	18,000		216·00	
28	A-I/a	32,000	6,000·00	438·00	290·00
29	A-I/b	3,61,000		..	
30	A-I/c	38,000		3,040·00	
31	A-I/d	2,55,000		494·00	
32	A-I/e	7,500		120·00	
33	Esic-26	24,000	290·00	340·00	50·00
34	RM-6	97,000	766·00	866·00	100·00
35	No. 6 (Original)	3,41,000	2,350·00	2,441·00	91·0
36	Esic-12	1,41,000	2,840·00	..	1,841·00 (—) 999·00
37	" -15	51,000	240·00	440·00	100·00
38	" -16A	3,59,000	1,025·00	1,286·00	261·00
39	" -19	1,62,500	1,627·00	2,082·00	455·00
40	" -21	37,500	850·00	980·00	130·00
41	" -23	6,60,000	3,330·00	3,525·00	195·00
42	" -29	42,000	260·00	256·00	(—) 4·00
43	" -30	49,000	330·00	560·00	230·00
44	" -30A	71,500	465·00	720·00	255·00
45	" -33	17,500	311·00	311·00	..
46	" -45	19,500	137·00	145·00	8·00
47	" -48	47,000	311·00	517·00	206·00
48	" -54	5,08,000	1,980·00	2,356·00	376·00
49	" -58	1,000	33·00	33·00	..
50	" -60	1,000	32·00	40·00	8·00
51	" -62	10,000	260·00	260·00	..
52	" -70	1,49,000	820·00	950·00	130·00
53	" -84	33,500	310·00	310·00	..
54	" -85	5,500			
55	" -86	62,500	305·00	422·00	117·00
56	" -88	35,500	600·00	257·00	109·00
57	" -89	33,500		234·00	
58	" -90	30,000		..	
59	" -91	40,000		..	
60	" -93	98,000	595·00	708·00	113·00
61	" -96	14,000	160·00	189·00	29·00

I	2	3	4	5	6			
				M/s. I.A. Printery	M/s. K.B. Ptg. Press	M's. Kishori Lal & Sons		
62	Esic-98	18,500	70.00	..	70.00	..	..
63	„ -110	3,500	85.00	..	85.00	..	..
64	„ -121	10,500	70.00	..	70.00	..	..
65	„ -122	15,500	105.00	..	105.00	..	..
66	„ -133	24,500	500.00	179.00	..	..	79.00
67	„ -135	1,000		10.00	..	..
68	„ -136	1,000		10.00	..	..
69	„ -137	57,000		380.00	..	..
70	Form No. 1	5,80,900	6,780.75	..	7,380.00	..	599.25	
71	Form No. 16	1,50,425	1,391.78	1,771.00	..	..	379.22
72	Esic-16	5,32,000	3,147.61	..	3,675.00	..	527.39	
73	Form No. 8	46,61,500	1,40,362.47 *					
74	Form No. 9	27,33,500						
75	Form No. 10	17,94,000						
				1,98,050.61	33,440.00	29,559.00	4,957.00	10,267.

New Kanpur Ptg. Works-- Rs. 1,40,362.47.

Total of Column 5 Rs. 2,08,318.47

Total of column 4 Rs. 1,98,050.61

Difference :— Rs. 10,267.86

S.T.@3/2-% on Rs. 1,38,137.23 Rs. 4,316.78

S.T.@7% on Rs. 70,181.24 Rs. 4,912.67

Total amount recoverable :— Rs. 19,497.31

New Kanpur Printing Works Rs. 1,40,362.47 nP.

APPENDIX N

Statement showing delay in issuing exit cards to the Administrative Medical Officer (West Bengal Region)

Set	Date of start of Benefit Period	No. of exit cards to be issued	No. of exit cards not issued in time	Category	Date of receipt in AMOs Office	Quarters involved	Overpay-ment on account of Captation fee
1	2	3	4	5	6	7	8
A VII	26-4-59	13699	40	N	13-4-59	Nil	Nil
VIII	1-11-59	14898	363	X	10-10-59	Nil	Nil

1	2	3	4	5	6	7	8
IX	1.5.60	12832	Nil	Nil	Nil	Nil	Nil
B VII	28.6.59	15730	Nil	Nil	Nil	Nil	Nil
VIII	26.12.59	16205	1 } 518	N	13.12.59 } 12.12.59 }	1.1.60 to 31.3.60	Rs. 1-8-0 Rs. 777.00
IX	26.6.60	15362	Nil	Nil	Nil	Nil	Nil
C. VII	1.3.59	15899	Nil	Nil	Nil	Nil	Nil
VIII	30.8.60	15155	Nil	Nil	Nil	Nil	Nil
IX	28.2.60	15623	Nil	Nil	Nil	Nil	Nil

APPEN

Particulars of cases of delay in issuing exit cards in respect

Month	Contribution period 21-1-58 to 26-7-58.		Contribution period 27-7-58 to 31-1-59		Contribution period 1-2-59 to 25-7-59.		Contribution period 30-3-58 to 27-9-58.	
	Card issued.	Latest month in which cards should have been issued.	Cards issued.	Latest month in which cards should have been issued	Cards issued.	Latest month in which cards should have been issued.	Cards issued.	Latest month in which cards should have been issued.
April '59	.	2 Dec. '58	..	..	..	..	39	Dec. '58
May '59	37	Do.
June '59	3	Do.
July '59	.	..	57	June '59	..	..	..	..
August '59	.	..	10	Do.	..	..	..	..
September '59	.	..	8	Do.	..	..	..	..
October '59	.	..	4	Do.	..	..	..	..
November '59	.	..	1	Do.	..	..	..	..
December '59
January '60	51	Dec. '59	..	..
February '60	30	Do.	..	..
March '60	2	Do.	..	..
April '60
May '60
<hr/>								
Total cards delayed by :								
One quarter	..		75		83		..	
Two quarter	.	2	5		..		79	

Abstract :

Cards delayed by one quarter .
Cards delayed by Two quarters .

Grand Total .

Capitation fee at the assumed rate of Rs

DIX 'O'

of Disentitled Insured Persons (Bombay Region).

Contribution period 28-9-58 to 28-3-59.		Contribution period 29-3-59 to 26-9-59.		Contribution period 1-6-58 to 29-11-58.		Contribution period 30-11-58 to 30-5-59.		Contribution period 31-5-59 to 28-11-59.	
Cards issued.	Latest month in which cards should have been issued.	Cards issued.	Latest month in which cards should have been issued.	Cards issued.	Latest month in which cards should have been issued.	Cards issued.	Latest month in which cards should have been issued.	Cards issued.	Latest month in which cards should have been issued.
..	..	..	..	89	March '59	..	..	..	..
..	..	..	..	51	Do.	..	..	..	..
..	..	..	..	57	Do.	..	..	..	..
333	June '59	..	..	23	Do.	..	..	..	..
55	Do.	..	..	7	Do.	..	..	..	..
61	Do.	..	..	..	..	..	..	..	..
21	Do.	..	..	..	..	112	Sept. '59	..	..
6	Do.	..	..	..	..	41	Do.	..	..
3	Do.	..	..	..	..	30	Do.	..	..
..	..	233	Dec. '59	..	..	28	Do.	..	..
..	..	128	Do.	..	..	4	Do.	..	..
..	..	68	Do.	..	..	..	Do.	..	..
..	..	44	Do.	..	..	..	..	39	March '60
..	..	74	Do.	..	..	..	..	32	Do.
449	..	429	..	197	..	183	..	71	..
30	..	118	..	30	..	32	..	..	..
1,487									
296									
1,783									

*50 per quarter : Rs. 3,118.50.

[No. F. 4(8)/61-HI.]

BALWANT SINGH, Under Secy.

New Delhi, the 14th December 1961

S.O. 3025.—In exercise of the powers conferred by sub-section (1) of section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes two Labour Courts with headquarters at Hyderabad and Guntur, respectively, and appoints Shri D. Govindarajulu Naidu as the Presiding Officer of these Courts.

[No. 17/12/61-LRIV.]

New Delhi, the 15th December 1961

S.O. 3026.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Labour Court, Ahmedabad, in the matter of an application under section 33A of the said Act from Shri Manekji Behramji Morena, ex-employee of the Gadodia Bank Limited.

Exhibit No. 26

BEFORE SHRI D. M. VIN THE PRESIDING OFFICER, LABOUR COURT
(CENTRAL), AHMEDABAD

Complaint No. 105 of 1961

IN REFERENCE No. 1 OF 1960

Manekji Behramji Morena, 730, Jehangir Vimadala Road, Parsi Colony,
Dadar, Bombay.—*Complainant.*

Versus

The Gadodia Bank Ltd., 239, Kalbadevi Road, Bombay-2.—*Respondent.*

SUBJECT.—*Complaint under Sec. 33A of the Industrial Disputes Act, 1947.*

APPEARANCES:

Shri N. C. Shah and Shri V. M. Rawal for the complainant.

Shri H. S. Brar for the Respondent Bank.

AWARD

This is a complaint, made under Section 33A of the Industrial Disputes Act, 1947, which would be, hereinafter, referred to as the Act, to the National Industrial Tribunal (Bank Disputes) at Bombay. It was transferred to this Court under Section 33B of the Act by an order dated 22nd August 1961.

(2) The complainant's case was that in response to an advertisement he applied for a post of a cashier in the Respondent Bank. He was appointed on that post on or about 15th June 1959 and was confirmed in the service six months after that date. He was orally assured that his appointment was for a minimum period of five years. He contended that he was a "workman" within the meaning of the Act and so the terms and conditions of service specified in an award, popularly known as the Sastry Award, were applicable to him. Yet on 2nd March 1961 his services were dispensed with by the Respondent Bank by an order of the same date and he was paid only one month's salary as an *ex gratia* payment at that time. He contended that this was not in accordance with the terms in para 522(1) of the Sastry Award, under which the Respondent Bank was bound to give three months' notice or pay and allowances in lieu thereof. He also contended that the termination of his services was in the nature of retrenchment and the Respondent Bank was guilty of contravening the provisions of Section 25F of the Act. According to him, the Respondent Bank had thus contravened the provisions of clauses (a) of Section 33 of the said Act, and so this complaint was made with a prayer for directing the Respondent Bank to reinstate him and pay him adequate compensation. He then alleged that certain increments and allowances due to him were withheld and a direction for payment of the same to him should be made.

(3) The case of the Respondent Bank was that none of the provisions of Section 33 of the Act, was contravened and so this complaint under Section 33A is not maintainable. It alleged that the complainant was not a permanent or confirmed employee and his employment was purely at its discretion; and that he was not given any oral assurance about his continuance in the employment.

It was contended that the termination of his service was effected in quite a legal manner and none of the provisions of Section 33 was contravened and hence this complaint should be dismissed.

(4) At the time of hearing, Shri Shah, on behalf of the complainant, stated that the claims regarding payment of increments and allowances were not pressed for in this case and so they need not be considered.

(5) A plain reading of Section 33A of the Act would show that it can have application only to the cases where there has been a violation by an employer of the provisions of Section 33. If a violation of the provisions is not established, a complaint under Section 33A would not lie. Hence, the main point that arises for determination is whether there has been any violation of the provisions of Section 33 of the Act, the relevant part of which is as follows:

"Section 33: (1) During the pendency of any conciliation proceeding before a conciliation officer or a Board or of any proceeding before a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall—

- (a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding; or
 - (b) for any misconduct connected with the dispute, discharge or punish, —whether by dismissal or otherwise, any workmen concerned in such dispute, save with the express permission in writing of authority before which the proceeding is pending.
- (2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute—
- (a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman—immediately before the commencement of such proceeding; or
 - (b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, the workman:

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

- (3) Notwithstanding anything contained in sub-section (2), no employer shall, during the pendency of any such proceeding in respect of an industrial dispute, take any action against any protected workman concerned in such dispute—
- (a) by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceedings; or
- (b) by discharging or punishing whether by dismissal or otherwise, such protected workman, save with the express permission in writing of the authority before which the proceeding is pending.

.....

"

(6) It was, firstly, urged by Shri Brar, on behalf of the Respondent-Bank, that the complaint, Ex. 1, does not disclose whether any proceedings were pending before a conciliation officer, or Labour Court or Tribunal or National Tribunal when the impugned action was taken. He argued that no averment, whatever, was made with regard to this point in the pleadings and so no inquiry can be made into it. In this behalf, he relied on the rulings in *J. K. Iron & Steel Co. Ltd., Kanpur Vs. J. K. Iron & Steel Mazdoor Union*, Kanpur reported in 1956 Labour Appeal Cases 155 and *Shri B. Ghosh and others Vs. Messrs Berakpur Iron Works, Calcutta*, reported in 1956 Labour Appeal Cases 404. It is true that issues in a case should be raised only from the pleadings and no rambling inquiry can be permitted; but, after all the pleadings of workmen and their unions in an industrial adjudication cannot always be in a precise manner. Of course that would not entitle them to prove any allegation made at any time and thereby

fling a surprise on the otherside; but, if they want to allege and, if need be, prove a fact which is within the knowledge of the otherside also and which cannot be seriously disputed, I do not think that that can be justly prohibited. In the rulings, relied upon by Shri Brar, absolutely new points, the facts regarding which could not have been within the knowledge of the othersides were sought to be made out. In the present case, it cannot be seriously disputed even by the Respondent-Bank that the proceedings are pending before the National Industrial Tribunal (Bank Disputes) at Bombay; that the Respondent Bank is one of the parties to the proceedings; that the complainant would be one of the workmen concerned in those proceedings; and that one of the subject matters of the dispute was that in all the unspecified matters *status quo* should be maintained. If any proof on these points is needed, it is furnished by the Notification No. S.O. 705 of the Ministry of Labour and Employment, dated 21st March 1960, published in the Gazette of India, Part II, Section 3 Sub-Sec. (ii) dated 21st March 1960 at page 181 and by the copy of the paper-book, Ex. 25, wherein there is a copy of the written statement of the Respondent-Bank, itself, at pages 459 to 471. So, I do not think that there is any substance in this point.

(7) Now, as appears from paras 6 and 8 of the application, Ex. 1, the complainant's case was that the provisions of clauses (a) of Section 33 have been violated by discharging him without complying with the requirements of the Sastry Award and of Section 25F of the Act. Even at the time of hearing, Shri Shsh, on behalf of the complainant conceded that the present case would not be covered within the ambit of clauses (b) but would be covered only by clauses (a) of Section 33. His argument in support of this contention was that the Sastry Award was applicable to the complainant. The terms and conditions of that Award, as modified by the Industrial Disputes (Banking Companies) Decisions Act, were applicable to him. That Award provided *inter alia* that a workman can be discharged with three months' notice or pay and allowances in lieu thereof; and that on premature termination of employment, a workman would be entitled to two months' salary and allowances. He further argued that, as appears from Ex. 11, the complainant was discharged because he was found to be surplus and so the termination of his service would amount to retrenchment and he would be entitled to retrenchment compensation as provided for under the Act. The position created by these provisions, according to him, amounted to the conditions of service; but the Respondent Bank did not comply with the requirements of these conditions and thereby effected an alteration in them. It had not obtained any permission in writing or approval and so there has been a contravention of the provisions of clauses (a) of Section 33. As against this, the argument urged by Shri Brar, on behalf of the Respondent Bank, was that the complainant joined the Bank on 15th June 1959, before which date the Sastry Award had, under the provisions of Section 4 of the Industrial Disputes (Banking Companies) Decisions Act, ceased to be in operation and it was also terminated by a notice given under Section 19(6) of the Act. So the complainant was not governed by the Sastry Award, nor was he entitled to its benefits. Moreover, according to him, he was not discharged by way of his being a surplus workman and the termination of his service would not amount to retrenchment within the meaning of the said Act. Hence, the Respondent-Bank's failure to give him the benefits, which he claimed to be entitled to, would not amount to contravention of the provisions of the Sastry Award and of Section 25F of the Act. At any rate, according to Shri Brar, the Respondent-Bank's failure to give him those benefits would not amount to any alteration in the conditions of service, as contemplated under Section 33 and so there was no contravention of the provisions of that Section.

(8) Now, considering these arguments, it seems that the word "alter" as used in clauses (a) of Section 33 has a specific meaning which implies the continued existence in service of the workman. Clauses (a) seem to be dealing with the conditions of service which is continuing and which has not been terminated. In a case between, Hotel Imperial and others V/s. Their workmen, reported in Industrial Law Journal, Vol. 3, 1958, at page 123 while considering whether a retrenchment amounts to an alteration in the conditions of service within the meaning of Section 33(1)(a), it was held by the Industrial Tribunal, Delhi that the alteration of conditions of service presupposes continuance of the relationship of employer and employee and it can have no application to a case where the service, itself, is terminated. Before there can be an alteration in the conditions of service, the tenure of service must continue and not cease. Alteration in the conditions of service can have no bearing on the question of employment or non-employment. This view is supported by a decision of the Madras High Court in Silver Cloud Estate V/s. Labour Court, Coimbatore and others, reported in 1960 Labour Law Journal Vol. 2 at page 571, wherein a question arose as to whether retrenchment of certain workmen would amount to alterations in the

conditions of service, as contemplated under Section 33 of the Act, or not. It was held therein as follows:

"Section 33(2)(a) refers only to the alteration in regard to conditions of service. A retrenchment cannot ordinarily amount to alteration in the conditions of service, but rather termination of the same. It may be that in certain cases a retrenchment may result in the alteration of conditions of the service of other workers. For instance, if, for doing a piece of work, 40 people are employed, and if 20 out of them are retrenched, the entire work will fall on the shoulder of the other 20, with the result that they would be obliged to do more work than they have been doing. That may, in certain circumstances, amount to alteration of the service of the remaining 20 workers. But that is not the case here. It is not stated on behalf of the workmen that the discharge of the retrenched personnel have, in any way, affected the existing workmen. Mr. Sankaran has sought to derive assistance from the proviso to the section as well as from the provisions of Section 9A of the Act. From the fact that the proviso refers to the discharge of workmen it is contended that the main part of Section 33(2)(a) should also comprehend a case of discharge from service. Section 33(2)(a) deals with alteration of conditions of service, and excepting the case referred to by me by way of illustration retrenchment of workers cannot come under that section."

Of course this ruling is concerning Section 33(2)(a), but the same considerations would apply to Section 33(1)(a) also. So, clearly, the word "alter" as used in clauses (a) of Section 33 applies to the continuing service and not to the termination of the service, itself.

(9) It was urged that the rulings, considered above, will have no application to the facts of the instant case because the workmen, concerned therein, were validly retrenched and discharged, while the complainant's discharge is not valid in as much as the necessary requirements of the Sastry Award and also of Section 25F of the Act were not complied with. This argument, in my view, is not acceptable. Clauses (a) of Section 33 refer to alteration of the conditions of service and not to contravention. Contravention of the provisions would not always be an alteration of the provisions. It may be that for some reason, good or otherwise, a particular term of an award or law might have been contravened, but that would not mean that an alteration of the terms has been effected. Assuming that the Sastry Award is applicable to the complainant and a mandatory requirement of the Award is not complied with, it would amount to contravention, but not to an alteration, of the terms of the Award. In this view of the matter, I think that the whole controversy regarding its applicability or otherwise of the Sastry Award to the complainant, is irrelevant to the real point at issue in the present case. In this behalf, it would be necessary to refer to the decision of the Patna High Court in National Coal Co. Ltd., V/s. L. P. Dave and another, reported in 1958 Labour Law Journal (Vol. 1) at page 84, wherein it was held that non-payment of wages or bonus is neither an alteration in the conditions of service nor would it amount to any punishment within the meaning of Section 33 of the Act. In that case, rulings of two industrial tribunals, in Victoria Cotton Mills V/s. Their workers, 1951 Labour Law Journal Vol. 1 page 502 and Shama Biscuit Co. Ltd. V/s. Their workmen 1952 Labour Law Journal Vol. 2 page 352 were also referred to and approved. In these two rulings the cases related to non-payment of bonus and wages and it was held that the non-payment would not amount to alteration in the conditions of service, as envisaged in clauses (a) of Section 33. Similar view was also taken by the Labour Appellate Tribunal of India in R. K. Nathun V/s. Bennett Coleman Co. Ltd., reported in 1955 Labour Law Journal Vol. 1 page 636 and held that even if a scale of pay could be considered to be a condition of service, withholding of an increment cannot be considered to be an alteration of the scale. The dispute in such a case should be taken to a competent court but not under Sections 22 and 23 of the Industrial Disputes (Appellate Tribunal) Act, which were similar to Sections 33 and 33A of the Industrial Disputes Act, 1947. So non-payment of wages and bonus may amount to a breach of certain enforceable terms, but it would not amount to an alteration of the conditions of service. In the same manner, if the Respondent Bank did not comply with certain mandatory requirements of the Sastry Award or of some provisions of the Act, it may be that a contravention has been made but that would not mean that the conditions of service are altered.

(10) As against these rulings, Shri Shah, on behalf of the complainant, relied on the ruling of the Labour Court, Coimbatore, in M. Govindswami & others V/s. Easwaran Match Works, Gudlatham, reported in 1958 Labour Law Journal

(Vol. 1) at page 415. It was held in that case that even under the amended Sec. 33, i.e. as it stands today, it would be necessary to obtain permission or approval, as the case may be, for effecting retrenchment when a dispute is pending. It appears from the ruling, that retrenchment is considered to be a mode of discharge and hence a permission or approval is thought to be necessary. Obviously, retrenchment is thought to have been covered within the scope of clauses (b) and not clauses (a) of Section 33. In the present case, the discharge of service without complying with certain requirements is contended to be an alteration in the conditions of service and that contention is not supported by the ruling. Of course in the ruling, it is held that even in cases of retrenchment a permission or approval would be necessary; but with utmost respect to that Labour Court, I think that the view is not correct. In the ruling in 1958 Labour Law Journal Vol. 1, page 84, considered above, it was held that a lock-out was not contemplated by the legislature to come within clauses (a) of Section 33 as altering the conditions of service or of clauses (b) of that section as discharging or punishing any workman. Similarly, in the ruling in 1960 Labour Law Journal (Vol. 2) at page 571, cited above, the Madras High Court held that a retrenchment effected bona fide for reasons other than by way of punishment would not come within the scope of clauses (b) of Section 33. There is another ruling also which does not support the view taken by the Labour Court, Coimbatore. It is in National Industrial Works, Bombay V/s. Jamnadas Bhanji & others, reported in 1958 Labour Law Journal Vol. 2 page 518 wherein it was held that a retrenchment, even though it may be a wrongful one, would not come under clauses (b) of Section 33. So I do not think that the ruling relied upon by Shri Shah can help him.

(11) There is another ruling which must be considered in the present case. It is by the High Court of Bombay in National Machinery Manufacturers Ltd. V/s. P. D. Vyas and another, reported in 1961 Labour Law Journal Vol. 2 at page 274. From the head-notes it appears to be holding that even the cases of simple discharge are covered within the ambit of clauses (b) of Section 33 and so a permission or approval, as the case may be, would be necessary where a dispute is pending. Now, in this case, the concerned workman was charged with committing a misconduct under Model Standing Order No. 22(d). An inquiry was held in respect of the said charge by the works manager. The works manager did not communicate his decision to the workman concerned but the company informed him by its letter dated 2nd January 1960 that the charge sheet issued against him was cancelled. The company also informed him by another letter of the same date that in accordance with the provisions of the Model Standing Order No. 21(1), his services were terminated for the reason "loss of confidence" and that he would be paid one month's wages in lieu of notice and leave wages etc. It appears that the works manager thought and intimidated to the management that the evidence against the workman concerned was not strong enough to justify the conclusion of guilt and a dismissal with a stigma of theft. But the management on evidence felt that there was a very strong suspicion or doubt against the workman concerned and that would make it impossible for the management to have any confidence in him, as he was a member of the watch and ward staff and so it was decided to discharge him under the Model Standing Order No. 21(1). Thereupon, the workman concerned filed a complaint before the Industrial Tribunal under Section 33A alleging that the termination of his service was in fact a dismissal and was only an attempt to camouflage the action of dismissal; and that the management should have obtained an approval of the Tribunal, before whom certain proceedings were pending. The Tribunal in his award held that it was difficult to hold that the termination of service was a simpliciter termination, made bona fide by the management in its ordinary course of business and that it was nothing but an attempt to circumvent the provisions of the Section 33(2)(b). It also held that the said action originated on a charge of misconduct which had actually been inquired into and the discharge was by way of punishment, whatever be the form of language in which it was couched. It then found that there was no room even for a reasonable suspicion and for justifying the so-called loss of confidence and directed reinstatement and payment of back-wages etc. On these facts it was urged before the High Court on behalf of the workman concerned that even in such a case, it was necessary to comply with the provisions of clauses (b) of Section 33; while it was urged on behalf of the management, that as the case was merely one of discharge simpliciter it was not covered within the scope of clauses (b) of Section 33. Considering the contentions, it was held as follows:

"“Misconduct” in the context of clause (b) and with reference to the relationship between employer and workman means wrong or improper conduct or behaviour. Why must the employer's action in

relation to his workman be only that of punishment and none other? For every misconduct of the workman the employer need not or may not punish the workman. He may take such other action as may be open to him, as for example, by discharging him in exercise of his contractual right to terminate his services. Therefore, though under Clause (b) "discharge" is to be for misconduct, "discharge" can be otherwise than for punishment and it is in that sense that that word has been specifically used in Clause (b). So construed, no word or phrase in Clause (b) is rendered redundant or superfluous and proper meaning given to the clause and all the words used therein."

It appears from the above citation, that though in the ruling at other places, it was observed that even a case of discharge simpliciter would be covered within the clauses (b) of Section 33, what is really held is that if an action had originated from a misconduct, it would be covered within the scope of clauses (b) of Section 33 irrespective of the fact whether that action is in the nature of dismissal or discharge by way of punishment or even discharge simpliciter. This ruling, in my view, does not lay down that, as it was the position under the old Section 33, whatever, may be the action taken by an employer pending a dispute, it must be preceded by an express permission in writing. This ruling only lays down that the protection on the lines of the old Section 33 will continue to be available to the workmen in regard to any action, even of discharge simpliciter, taken for a misconduct. This ruling, I think, does not lay down that any action which may be of discharge pure and simple, e.g. on the ground of valid retrenchment or of incurring some disability due to accident, sickness etc., would be covered within the clauses (b) of Section 33.

(12) Now, considering the present case, it appears, that there is nothing to show, not even an allegation, that the discharge of the complainant is consequent on or had originated from a misconduct. The complainant has not challenged even the bona fides of the Respondent Bank. He even tried to show that he was discharged because a senior worker had to be appointed in his place and he was found to be surplus. His case, at its best, was that he was discharged and retrenched but he was not paid the notice wages and compensation to which he was entitled under the Sastry Award and Section 25F of the Act. So, clearly the action taken against him was not consequent on or had originated from a misconduct and the ruling of the Bombay High Court would not apply to the facts of the present case.

(13) Clearly, therefore, the action of discharge taken against the complainant was not covered within the scope of clauses (a) or (b) of Section 33 and it was not necessary of the Respondent-Bank to obtain any permission or approval of the Tribunal, before which a dispute was pending. Hence, there was no violation of any of the provisions of Section 33 of the Act.

(14) It is observed above, that a complaint under Section 33A, like the present one, can succeed only if a violation of any of the provisions of Section 33 of the Act is established. If the violation is not established, the complaint would naturally fail. In the present case, no violation of the provisions of Section 33 of the Act is established and so this complaint would fail.

(15) In the result, I hold that this complaint should be dismissed. There would be no orders as to costs.

(16) It is directed that this Award be submitted to the Central Government.

D. M. VIN,
Presiding Officer,
Labour Court (Central),
Ahmedabad.

AHMEDABAD.

The 5th December 1961.

[No. 55(46)/61-LRIV.]

ORDERS

New Delhi, the 14th December 1961

S.O. 3027.—Whereas an industrial dispute between the Associated Cement Companies Limited, Bombay and their workmen in respect of payment of bonus for the years 1956-1959 is pending before the National Industrial Tribunal, Bombay, constituted by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 294 dated the 27th January 1961;

And whereas the applications specified in the Schedule hereto annexed filed by the said companies under section 33(2) of the Industrial Disputes Act, 1947 (14 of 1947) pertaining to certain workmen employed in the cement factories in the State of Andhra Pradesh (hereinafter referred to as the said proceedings) are pending before the said National Industrial Tribunal;

And whereas the Central Government is satisfied that in the interests of justice and grounds of convenience of the parties and for expeditious disposal, the said proceedings should be heard within the State of Andhra Pradesh;

Now, therefore, in exercise of the powers conferred by the proviso to section 33B(1) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the said proceedings from the said National Industrial Tribunal and transfers them to the Labour Court, Hyderabad, constituted by the Government of India in the Ministry of Labour and Employment No. S.O. 3025 dated the 14th December 1961 with Shri D. Govindarajulu Naidu as the Presiding Officer and directs that the said Labour Court shall proceed with each of the said proceedings from the stage at which it is transferred and dispose of the same according to law.

SCHEDULE

Application No.	Parties to the dispute
1. No. 1 (NT) of 1961.	The Associated Cement Companies Limited, Mancherial Cement Works Vs. Shri D. Narasiah, Machinery Attendant, T. No. 262.
2. No. 3 (NT) of 1961.	The Associated Cement Companies Limited, Mancherial Cement Works Vs. Shri R. Chandasiah, Assistant Carpenter, T. No. 27.
3. No. 4 (NT) of 1961.	The Associated Cement Companies Limited, Mancherial Cement Works Vs. Shri Sreenivas, Machinery Attendant, T. No. 644.
4. No. 7 (NT) of 1961.	The Associated Cement Companies Limited, Mancherial Cement Works Vs. Shri Mohd. Yaqub, Miller, T. No. 69.
5. No. 10 (NT) of 1961.	The Associated Cement Companies Limited, Mancherial Cement Works Vs. Shri B. Abraham, Fitter T. No. 403.
6. No. 11 (NT) of 1961.	The Associated Cement Companies Limited, Mancherial Cement Works, Vs. Shri C. M. Narain, Mazdoor, T. No. 182.

[No. 17/12/61-LRIV-I.]

S.O. 3028.—Whereas an industrial dispute between the Associated Cement Companies Limited, Bombay, and their workmen in respect of payment of bonus for the years 1956-1959 is pending before the National Industrial Tribunal, Bombay, constituted by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 294 dated the 27th January 1961;

And whereas the application and the complaint specified in the Schedule hereto annexed filed by the parties under section 33(2) and section 33A, respectively, of the Industrial Disputes Act, 1947 (14 of 1947) pertaining to certain workmen employed in the cement factories in the State of Andhra Pradesh (hereinafter referred to as the said proceedings) are pending before the said National Industrial Tribunal;

And whereas the Central Government is satisfied that in the interests of justice and grounds of convenience of the parties and for expeditious disposal, the said proceedings should be heard within the State of Andhra Pradesh;

Now, therefore, in exercise of the powers conferred by the proviso to section 33B(1) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the said proceedings from the said National Industrial Tribunal and transfers them to the Labour Court, Guntur, constituted by the Government of India in the Ministry of Labour and Employment No. S.O. 3025 dated the 14th December 1961 with Shri D. Govindarajulu Naidu as the Presiding

Officer and directs that the said Labour Court shall proceed with each of the said proceedings from the stage at which it is transferred and dispose of the same according to law.

SCHEDULE

<i>No of application and complaint</i>	<i>Parties to the dispute</i>
(1) Application No. 2 (NT) of 1961. [Under section 33(2) of the Industrial Disputes Act, 1947]	The Associated Cement Companies Limited, Kistna Cement Works versus Shri Wilson David, Mazdoor, T. No. 603
(2) Complaint No. 6 (NT) of 1961. [Under section 33A of the Industrial Disputes Act, 1947]	Shri Wilson David, Mazdoor T. No. 603 versus The Associated Cement Companies Limited, Kistna Cement Works.

[No. 17/12/61-LRIV-II.]

ERRATUM

New Delhi, the 14th December 1961

S.O. 3029.—In the Corrigenda published under S.O. 2470, dated the 7th October, 1961 at page 2705 of the Gazette of India, Part II, Section 3(ii), dated the 14th October, 1961 to the Order of the Government of India, Ministry of Labour and Employment, No. S.O. 2083 dated the 28th August 1961—

in item (ii), for "Mattancherry, Cochin-2" read "Amaravathy, Cochin-1".

[No. F. 28/12/61-LRIV.]

G. JAGANNATHAN, Under Secy.

New Delhi, the 15th December 1961

S.O. 3030.—Whereas Shri W. Bright nominated by the Madhya Pradesh and Vidarbha Mining Association in pursuance of rule 3 of the Coal Mines Rescue Rules, 1959, as a member of the Rescue Stations Committee has resigned the membership thereof under rule 5 of the said Rules;

And whereas the said Association has nominated in his place Shri B. S. Grewal of M/s. Shaw Wallace & Co. Ltd., P.O. Parasia, District Chhindwara, (Madhya Pradesh), as a member of the said Committee;

Now, therefore, the Central Government, in pursuance of rule 3 of the said Rules, hereby makes the following amendment in the notification of the Government of India, in the Ministry of Labour and Employment No. S.O. 898 dated the 30th March, 1960, namely:—

In the said notification, for entry 5, the following entry shall be substituted, namely:—

"5. Shri B. S. Grewal, of Messrs. Shaw Wallace & Co. Ltd., nominated by the Madhya Pradesh and Vidarbha Mining Association;"

[No. 14/42/61-MI.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 15th December 1961

S.O. 3031.—PWA/Mincs/Rules/Am.—The following draft of a further amendment to the Payment of Wages (Mines) Rules, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the Payment of Wages Act,

1936 (4 of 1936), is published as required by sub-section (5) of Section 26 of the said Act for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 25th March 1962.

Any objection or suggestion which may be received from any person with respect to the said draft before the date specified will be considered by the Central Government. Such objection or suggestion may be addressed to "The Secretary to the Government of India, Ministry of Labour and Employment, New Delhi."

Draft Amendment

1. These rules may be called the Payment of Wages (Mines) Amendment Rules, 1961.

2. For rule 5A of the Payment of Wages (Mines) Rules, 1956, the following rule shall be substituted, namely:—

"5A. The registers required to be maintained under the Mines Rules, 1955, in Forms 'B', 'G' and 'H' in the First Schedule to these rules shall be deemed to be required to be maintained under these rules also."

[No. 535/20/61-Fac.]

SHAH AZIZ AHMAD, Dy. Secy.

New Delhi, the 19th December 1961

S.O. 3032.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Dhemo Main Colliery and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 57 of 1961

PARTIES:

Employers in relation to the Dhemo Main Colliery

AND

their workmen.

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Camp: Bombay Dated 30th November 1961

APPEARANCES:

For the employers.—Shri S. S. Mukherjee, Advocate, instructed by Shri M. D. Agerwal, Manager, Dhemo Main Colliery.

For the workmen.—Shri N. Das, Pleader for the Colliery Mazdoor Congress, Asansol.

STATE: West Bengal.

INDUSTRY: Coal mining.

AWARD

The Central Government by Ministry of Labour and Employment's Order No. 2/147/61-LRII dated 25th July 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, was pleased to refer the industrial dispute between the parties above named in respect of the subject matters specified in the following schedule to the said order for adjudication to me:—

SCHEDULE

"Whether the management of Dhemo Main Colliery of Messrs. Dhemo Main Coal Co. Ltd. were justified in dismissing Shri R. N. Singh, General Checker and Store Issue Clerk with effect from 12th May 1961. If not, to what relief is Shri Singh entitled?"

2. After the usual notices were issued, the Colliery Mazdoor Congress, (hereinafter referred to as the union) representing the workmen, filed its written statement

dated 5th August, 1961 to which the Agent of the Dhemo Main Colliery filed his written statement in reply dated 30th August 1961. The dispute was thereafter heard on the 18th and 20th November.

3. The dispute concerns the dismissal of one Shri R. N. Singh who admittedly was taken in the service of the company on 8th February 1960. The company claims that he was appointed as checker but the management has not produced the written appointment letter or any written directions with regard to the duties to be performed by him. The union, however, admits that he was verbally asked to work as a checker of the colliery's stores. The union's case is that nine other workmen along with Shri R. N. Singh were appointed between February and October 1960; that their names were not entered in the colliery's muster rolls and that they used to be paid by vouchers. According to the union the management was not granting them the benefit of the provident fund and the bonus schemes, to which they were legally entitled. The union also complains that these workmen were not paid for working on Sundays or for overtime work. Accordingly, they approached the union to secure them proper wages under the Coal Award including the benefit of dearness allowance and variable dearness allowance and the union thereupon addressed a representation to the Government. According to the union Shri R. N. Singh was active amongst the employees in approaching the union and that on 5th April 1961 the union had made a representation to the Labour Inspector (Central) Asansol in this regard. Thereupon, a charge-sheet dated 6th/7th April 1961 was issued against R. N. Singh which was served on him only on 10th April 1961. I may here state that in the Conciliation Officer's failure report dated 22nd June 1961 there is reference to the union's representation to the Labour Inspector (Central) dated 5th April 1961.

4. The charge-sheet against R. N. Singh (Annexure A to the company's written statement) was in the following terms:—

C/4/2490

Dated the 6th April 1961

Shri R. N. Singh, Dhemo Main Colliery.

"Dear Sir

Re: Store Issue tip No. 55 of 26-2-1961.

On scrutiny of the above it appears that you have misappropriated 10 (ten) bags of cement from the company's stock by tampering the number in the issue tip from 4 to 14. On preliminary enquiry the charge had been established. You are hereby asked to show cause within 24 hours from the receipt of the letter why disciplinary action should not be taken against you for the misappropriation stated above.

Yours faithfully,

Sd./- D. P. BIYANI,
Agent."

5. To this charge-sheet Singh replied by his letter dated 10th April 1961 in which he stated that the charge-sheet dated 6/7th April 1961 was received by him on that very day and that he was astonished to find the allegations brought against him. He stated that he had been performing his duties satisfactorily and that an attempt had been made to intimidate him for certain extraneous matters in which he had no concern. He stated in his explanation that the stock of cement was kept in the Director's bungalow-cum-Guest House which is no part of the colliery stores and that whenever any cement is required the officer concerned sends his requisition direct to the chaprasi, in charge of the cement stock, stationed in the bungalow and the chaprasi releases the requisite quantity mentioned in the tip and the supplies were carried direct to the work sites. In this particular instance the stores issue tip No. 55 was understood to have been sent by the Assistant and the supplies were taken direct to the underground. In his explanation he further stated as follows:—

"As regulation of cement stock and its delivery is being maintained outside the colliery stores I had no concern with this issue of cement and I deny that any tampering of the tip in question was made by me. As the bags of cement did not pass through me at all I fail to understand how there can be any occasion for my misappropriating any quantity out of the said 14 (fourteen) bags supplied in the aforesaid circumstances."

He went on to state—

"I regret to mention that for sometime past the management is wanting to dispense with our service, being annoyed with our demand to grant us all the facilities enjoyed by other colliery staff. I am

afraid that the recent representation sent by the Colliery Mazdoor Congress of Shri Jagadish Pandey in respect of our grievances has very much something to do with this allegation brought against me concerning an incident of the month of February."

He stated that he was innocent and requested the management not to seek an opportunity to victimise him for placing his demands through the union and prayed that the charge-sheet be cancelled.

6. Thereupon, an enquiry on the charge-sheet was held by the Welfare Officer of the company between 28th April, 1961 and 5th May, 1961 at which certain witnesses were examined. I shall deal with the records of the enquiry a little later. The Enquiry Officer made his report to the management on 9th May, 1961 (exhibit E-2). The report is a short document and I reproduce it in full below.—

"As instructed, proper enquiry into the above case has been conducted by me. The statements from the prosecution witnesses have been recorded by me in the presence of the delinquent concerned and ample opportunity has been given to him to defend his case.

The statements will speak for themselves."

Sd/-

M. K. DEY,
Welfare Officer,
9th May, 1961.

7. The papers in connection with the enquiry were thereupon forwarded by the Manager of the Colliery to the Agent, Central Office, Asansol in which he stated that from the enquiry it appeared that Shri R. N. Singh was fully responsible for the tampering in the cement issue slip in question; that his explanation was vague and not at all satisfactory and very strong action may be taken against him.

8. Thereupon Shri D. P. Biyani, Agent, by his letter dated 12th May, 1961 (annexure C to the company's written statement) informed Shri R. N. Singh that he had been proved guilty of misconduct as defined in standing order No. 27(2) on a thorough enquiry into the charges against him and as such they are obliged to dismiss him from service with immediate effect. It is against this order of dismissal that this dispute has been raised.

9. The company in its written statement and at the hearing has contended that R. N. Singh was appointed on a consolidated salary of Rs. 100 per month by the Central Office and as such he was not entitled to payment of bonus or the benefit of provident fund; that all employees of the Central office were liable to be transferred to the colliery or to the Calcutta office of the company; that as a general checker and store issue clerk Shri R. N. Singh was given the charge of issue of cement against slips; that the cement stock was shifted to the Director's bungalow-cum-guest house and the key of the cement godown was entrusted to Shri R. N. Singh; that the responsibility of issue of cement was given to Shri R. N. Singh who used to receive slips from the parties and deliver the cement from the stock kept at the Director's bungalow-cum-guest house and the slips after a few days used to be handed over to the store keeper by Shri R. N. Singh for making accounts; that tip No. 55 dated 26th February, 1961 was issued for supply of 4 bags of cement only for making a partition wall above the air-crossing roof by the contractor and when the store keeper was sorting out the tips for making accounts in different heads the interpolation and tampering in the above tip No. 55 of 26th February, 1961 submitted by Shri R. N. Singh was detected and suspecting some foul play the matter was reported to the authorities; that a thorough departmental enquiry was held in the presence of Shri R. N. Singh who was given full chance and opportunities to defend himself and also to adduce defence witnesses. Copies of the proceedings of the enquiry are annexed by the company to its written statement and marked as annexure 'B', that at the departmental enquiry the misconduct mentioned in the charge-sheet was established and thereupon Shri R. N. Singh was dismissed by the Agent's letter dated 12th May, 1961 (annexure 'C' to the written statement of the company). The management has denied that Shri R. N. Singh was active amongst the employees in representing their claim. It has also denied that Shri Singh or any other employee had put forward any claim or demand for the alleged grievances or that it became annoyed with him for

agitating this issue. It has, therefore, submitted that the dismissal of Shri R. N. Singh was *bona fide* and based on proved misconduct.

10. At the hearing neither party led any oral evidence but both parties relied on the documentary evidence. The question that has been referred to this Tribunal is whether the dismissal of Shri R. N. Singh was justified. The union has challenged the dismissal mainly on two grounds (1) that R. N. Singh was victimised because he was amongst those who had approached the union in respect of payment of their correct wages, bonus, and provident fund dues etc. and (2) that the charge of having misappropriated 10 bags of cement by tampering with the issue tip No. 55 dated 26th February, 1961 was a false charge which was not established from the evidence at the departmental enquiry, which was one sided.

11. It does appear to me from the failure report of the Conciliation Officer (Central) Asansol dated 22nd June, 1961 a copy of which is on the record of these proceedings, that the union had on 5th April, 1961 represented to the Labour Inspector (Central), Asansol that the management was not paying Shri R. N. Singh and the other 9 workmen their due wages under the Coal Award and that they were being paid on vouchers and not through regular wage register. The Union had, therefore, claimed the benefit of the provident fund scheme and payment of bonus which had been denied to them. The management on the other hand states that Singh was appointed at the Central Office on a consolidated salary of Rs. 100 per month, but it does not however deny that Singh was working in the colliery. Now, it is admitted that workmen of the colliery are entitled to the benefits of quarterly bonus under the Coal Mines Bonus Scheme on their putting in certain days of attendance in each quarter and that after the earning of such bonus they are entitled to the benefit of the provident fund including the company's contribution thereto. From the statements made by the parties, and the statements contained in Conciliation Officer's failure Report dated 22nd June, 1961, I am satisfied that the union had made a representation to the Labour Inspector (Central) complaining that the management was not paying R. N. Singh and 9 other workmen the wages to which they were entitled under the Coal Award and also laying claim to Bonus and Provident Fund benefits.

12. The management has argued that it had no information about the letter of the union to the Labour Inspector dated 5th April, 1961 when issuing the charge-sheet dated 6/7th April, 1961 to Shri R. N. Singh. But it is significant to note that the charge-sheet though dated 6/7th April, 1961 was served on Shri R. N. Singh only on the 10th April, 1961 as is clearly stated by him in his letter of explanation. The management has stated that a preliminary enquiry had been held after 26th February, 1961 but before the charge-sheet was served on R. N. Singh, but the record of the preliminary enquiry has not been produced at the hearing. I am, therefore, satisfied that R. N. Singh and nine others had approached the union for the redress of certain grievances which they had against the management with regard to the payment of their proper wages and other benefits to which they were legally entitled and that thereupon the union had made a representation to the Labour Inspector (Central) dated 5th April, 1961 and that there is enough material on record to suggest that the management was aware of this representation.

13. I shall now proceed to discuss the dispute on its merits. The misconduct with which Shri Singh was charged was that he had misappropriated 10 (ten) bags of cement from the company's stock by changing the number in the issue tip from 4 to 14, and in the letter of dismissal dated 12th May, 1961 it has been stated that he had been found guilty of that misconduct. Now, in the entire enquiry there is not an iota of evidence to establish that ten bags of cement had been misappropriated by Shri R. N. Singh. When I asked Shri Mukherjee the learned Counsel appearing for the management whether the alleged misappropriation of ten bags of cement from the stock was verified by check, Shri Mukherjee clearly stated that no check of the stock of cement had been made. There is, therefore, admittedly no evidence to establish the charge that Shri Singh had misappropriated the ten bags of cement. The evidence at the enquiry was only with regard to the tampering of the tip No. 55 of 26th February, 1961. That tip has been produced at the hearing and marked exhibit E-1. The most important point about this tip No. 55 is that it does not anywhere bear the signature or initials of R. N. Singh. Further no witness at the enquiry had deposed that he had seen R. N. Singh tampering with the issue tip. The evidence of the store keeper Shri P. C. Sarkar. (P.W.-1) is that he found the tip along with the other issue tips in a bundle given by Shri R. N.

Singh and that it was noticed by him when he was sorting out the tips for making accounts in different head and thereupon he showed the tip to the Manager as he suspected that additional bags of cement were issued without the knowledge of the Manager. Now, the significant point is that there is no evidence to show when Singh sent the bundle of tips to the store keeper nor is there evidence as to when and on what dates and how many days after the delivery of the cement that Shri P. C. Sarkar had come to know of the tampering of the issue tip. While the management's case is that it was R. N. Singh who had issued these bags of cement under tip No. 55 he (R. N. Singh) has denied the same and there is no written record or entry anywhere to show that the bags under tip No. 55 were issued by R. N. Singh. Surely, if the bags had been issued by R. N. Singh the tip No. 55 would have borne his signature. R. N. Singh's case is that the chaprasi used to be in charge of the stock of cement in the Director's Bungalow and Guest House and that when the tips were presented to them they used to issue the bags of cement. From the evidence of the prosecution witness Shri Jatan Singh, peon (P.W.S.) it seems clear that R. N. Singh was not in exclusive charge of the stock of cement in the Director's bungalow and that he (the chaprasi) used to collect the issue tip and issue the cement if he was near by it. From the evidence of Jatan Singh it also appears that the room in which the stock of cement was kept in the Director's bungalow-cum-guest house was not locked. In these circumstances, to hold that R. N. Singh had misappropriated 10 bags of cement only because the entry with regard to the number of cement bags was found tampered with, would be a perverse conclusion to draw. As I have shown it is nowhere shown when the bundle of tips reached the stores office and how many days thereafter the tampering was noticed. Even admitting that the tip had passed through the hands of R. N. Singh, it had remained in the stores department for several days before the tampering was discovered. There was thus ample opportunity for any one to have tampered with the tip No. 55 after R. N. Singh had sent it on to the stores department. In these circumstances from the mere fact that the tip was tampered with without even an iota of proof that there was misappropriation of 10 bags, would be a baseless and perverse conclusion to come to.

14. I, therefore, hold that the finding of the management on the material before it at the departmental enquiry that Shri R. N. Singh was guilty of the charge served against him viz., of misappropriating 10 (ten) bags of cement from the company's stock by tampering with the number in the issue tip No. 55 from 4 to 14 is baseless, and perverse. As I have stated, there is not an iota of evidence to show that Shri R. N. Singh had in fact misappropriated 10 bags of cement and the finding of guilty on that charge must therefore be held to be baseless and perverse. It is significant that the Enquiry Officer himself has not given a finding of guilt against R. N. Singh, but has merely forwarded the enquiry papers to the Manager without recording his finding. It is true as contended by Shri S. S. Mukherjee that a formal finding or conclusion by an Enquiry Officer is not necessary in every case. But, here I attach significance to the absence of expression of any opinion by the Enquiry Officer who had heard the evidence and seen the demeanour of the witness, because of the peculiar circumstances of the case. I am also inclined to feel that in this case that there are circumstances to suggest not only want of good faith but also an element of unfair labour practice on the part of the management. I am, therefore, satisfied that this case falls within the exceptions stated by the Hon'ble Supreme Court in its judgment in the case of the Indian Iron and Steel Co. Ltd., and its workmen 1958 1 LLJ page 260 and would justify my interfering with the decision of the management. I, therefore, hold that the dismissal of Shri R. N. Singh was not justified.

15. The next question to consider is what relief should be granted to him. Shri S. S. Mukerjee has pleaded, relying upon the decision of the Labour Appellate Tribunal of India in R.B.S. Lachmandas Mohan Lal & Sons Ltd., and Chini Mill Karmachari Union (1952 II LLJ 787) that as the management had lost confidence in R. N. Singh, there should be no order of re-instatement against him. In that case the bona fides of the management were established. In this case there is sufficient material to suggest want of good faith on the part of the management, as also that it had been guilty of unfair labour practice. In the circumstances, I am satisfied that as I have held that his dismissal was not justified that this is a fit case where a direction for reinstatement of the workman in service should be made. I, therefore, direct that Shri R. N. Singh shall be reinstated in service and be paid his full back wages from the date of his dismissal viz., 12th May, 1961 till the date he is reinstated in service. I further

direct that Shri R. N. Singh should be reinstated in his former post with continuity of service within ten days of the publication of this award in the official gazette.

I award Rs. 100 as costs to the Union, to be paid within 10 days of the publication of this Award.

SALIM M. MERCHANT.

Presiding Officer,

Central Government Industrial Tribunal, Dhanbad.

[No. 2/147/61-LRII.]

S.O. 3033.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Khas Jeenagora Coal Company (Private) Limited and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE NO. 68 OF 1961

PARTIES:—

Employers in relation to the Khas Jeenagora Coal Company (P) Ltd.,

AND

their workmen

PRESENT:

Shri Salim M. Merchant, Presiding Officer.

Camp: Bombay, dated 30th November, 1961.

APPEARANCES:

For the Employers—Shri P. M. Chawra, Director, Khas Jeenagora Coal Co. (P) Ltd.

For the workmen:—Shri Mahesh Desai, General Secretary, Koyala Mazdoor Panchayat.

STATE: Bihar.

INDUSTRY: Coal Mining.

AWARD

The Central Government, by Ministry of Labour and Employment's Order No. 2/110/61-LRII, dated 28th August, 1961, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947) was pleased to refer the industrial dispute between the parties abovenamed, in respect of the subject matters specified in the following schedule to the said order, to me for adjudication:—

SCHEDULE.

"Whether the termination of the services of Shri Raju Kahar from 15th May, 1960 was justified and if not, what relief he is entitled to?"

2. The union's case, as stated in its written statement of claim dated 15th September, 1961, is that Shri Raja Kahar was an employee of Messrs. Jeenagora Coal Co. (P) Ltd. (hereinafter referred to as the company) and was shown as office peon on the rolls of the company in June 1959 when the working of the Khas Jeenagora Colliery was given over to Messrs. East Jeenagora Colliery Co. (P) Ltd., as its managing contractors; that at the time of the handing over of the colliery to its managing contractors, the company retained five workmen, including Raju Kahar, on its rolls, who continued to be its employee as before; that the company which had continued to employ Raju Kahar and utilise his services along with those four other workmen, stopped the payment of monthly salary and quarterly bonus to Raju Kahar from November 1959; that the company continued to withhold the legitimate dues of Raju Kahar in spite of his requests and the demands of the Koyala Mazdoor Panchayat (hereinafter referred to as the union); that the company being annoyed with the persistence of the union dismissed Raju Kahar in May 1960 without cause and without serving any written notice upon him; that the union on 1st June, 1960 referred this dispute to the conciliation machinery and the company was then induced to pay to Raju Kahar his earned wages up to 14th May, 1960 as well as bonus for the quarters ending

December 1959 and March 1960; that the company however refused to reinstate Raju Kahar, without producing any satisfactory proof of its allegation of misbehaviour or desertion of his duties by Raju Kahar; that this unreasonable and arbitrary attitude of the management resulted in failure of conciliation proceedings and on mature consideration of the failure report of the Conciliation Officer (Central) who dealt with this dispute, the Central Government was pleased to refer this dispute for adjudication to this Tribunal. The union has, therefore, prayed that the company be directed to reinstate Raju Kahar in service from the date of his dismissal and to fully compensate him for the loss suffered by him and award costs and such further reliefs as are considered fair and just.

3. The company in its written statement dated 11th September, 1961 has, apart from stating its case on the merits, raised some legal objections against the validity of the reference.

4. The first contention urged by the company is that this is an individual dispute and not an industrial dispute. But at the hearing no arguments were advanced in support thereof by Shri P. M. Chawra. From the order of reference it is clear that the cause of the dismissal of Raju Kahar has been sponsored by the union, which it is not denied is a registered union and has considerable membership among the workers of this colliery. It was this union that had raised the industrial dispute over the dismissal of Raju Kahar and taken it to the conciliation machinery and it was as a result of the efforts of this union that this dispute was referred to adjudication. There is not the least doubt in my mind that what was in its inception an individual dispute has, on the union which represents the workmen of this colliery espousing the cause of the dismissed workmen, become an industrial dispute. I, therefore, reject the first legal objection of the management.

5. The next contention is that after June 1959 Messrs. Khas Jeenagora Coal Co. (P) Ltd., does not carry on any business or trade and is therefore not an employer in relation to any mine or any other industry of which the Central Government is the appropriate Government and therefore this reference by the Central Government is not valid. In other words, the contention is that after the company in June 1959 made over the working of the Khas Jeenagora Colliery to Messrs. East Jeenagora Colliery Co. (P) Ltd., as its managing contractors it is not doing any business in relation to any mine or any other industry in respect of which the Central Government is the appropriate Government under section 2(a) of the Industrial Disputes Act, 1947 and therefore the reference to adjudication by the Central Government is invalid and not maintainable and this Tribunal has no jurisdiction to deal with this dispute. The fact that this company has given over the running of the Jeenagora Colliery to Messrs. East Jeenagora Colliery Co. (P) Ltd., since June 1959 is admitted but on what terms and conditions the running of the mine has been given over by this company has not been proved. There is no evidence, oral or documentary, beyond the bare statement in its written statement by this company that it has ceased to have any interest in the mine. In answer to my queries Shri P. M. Chawra, Director of the company has admitted that the original lease for 75 years from the superior landlords for the working of the colliery is still vested in Messrs. Khas Jeenagora Coal Co. (P) Ltd., that all the machinery, equipment, buildings and land of this colliery continues to be of the ownership of this company. There is no doubt that this company is vitally interested in the production of coal of this colliery as it gets a royalty of Rs. 2 per ton of coal raised by the contractors. It is also not denied that this company still continues to be liable for action by the Central Government for non-fulfilment of certain provisions of the Mines Act and its Rules in this colliery. On these facts and circumstances and on the failure of the company to lead any evidence either oral or documentary in support of this contention, I reject the same and hold that the reference is valid and I have jurisdiction to entertain the same.

6. Without prejudice to these contentions, the company's case on the merits as stated in its written statement is that Raju Kahar was originally appointed and designated as a "peon" of the Khas Jeenagora Colliery; that after June 1959 upon the working of the colliery having been made over to the East Jeenagora Colliery Co. (P) Ltd., the relationship between Raju Kahar and Messrs. Khas Jeenagora Coal Co. (P) Ltd., continued as that of ordinary master and servant till 14th May, 1960; that during this period Raju Kahar was working as a bungalow servant of the Director of Messrs. Khas Jeenagora Coal Co. (P) Ltd., but his old designation continued; that after 14th May, 1960 Shri Raju Kahar did not work and his services stood automatically terminated. The company has, therefore, pleaded that the termination of the service of Raju Kahar was justified and he was not entitled to any relief.

7. At the hearing of this dispute before me on 18th and 20th November, 1961 the employers led no oral evidence but the union has examined Raju Kahar (WW-1) on 20th November, 1961. Raju Kahar in his evidence stated that he had been in the service of the Khas Jeenagora Colliery for the last 20 years, both inside the colliery and other places. He stated that he had worked in various capacities such as gardener, lighter of "choolas" of the members of the office staff and also as waterman of the office staff and as night guard and in oil issue cabin. He further deposed that he had worked for the company at Katni and Calcutta. He stated that he was always being paid at the office of the colliery and on the company's pay sheets. He further stated that when in June 1959 this colliery was given out to the contractors he was not asked whether he wanted to work with the contractors but was continued in the service of the company and was paid his wages for some time and then his wages were stopped. When he asked for his wages he was referred to the contractors and when he went to the contractors he was referred by them to the owners whereupon Shri Chowra offered to pay him his wages, but then he (Shri Chowra) left the colliery and when he returned he told him (witness) that payment would be made to him on voucher, but he demanded payment on the company's pay roll as before whereupon he was told that there was no work for him and he was not paid. Thereupon he approached the union. In cross-examination by Shri Chowra Raju Kahar admitted that he had worked as a night guard in the owner's bungalow and that he had no objection to do that work as he was paid on the company's pay rolls. He denied that he had ever worked in the contractor's office.

8. Shri Chowra, whilst not admitting that Raju Kahar had been in service for 20 years, has admitted that he had been in the service of the company at least from 1947, in which year the provident fund scheme had come into force of which he was an initial member. Shri Chowra has thus admitted that Raju Kahar had served as an employee of this company since 1947 i.e. for at least 14 continuous years on the date of his dismissal.

9. Shri Chowra's case was that after the Jeenagora Colliery was given out on contract in June 1959 Raju Kahar became a personal employee of the Director and that he continued as such till 15th May, 1960 when he left service. I find it impossible to accept this story. The register of the Khas Jeenagora Coal Co. (P) Ltd., (Ex-E-1) clearly shows that Raju Kahar and 4 other workmen were continued as the employees of the company and were paid on the company's pay roll. It was further admitted by Shri Chowra that the company [Khas Jeenagora Coal Co. (P) Ltd.] had paid the provident fund contribution of these workmen including Raju Kahar's even after June 1959 and that the names of Raju Kahar and the four other workmen were continued to be shown on the pay roll of the company from 4th June, 1959 till 14th May, 1960. It is difficult in the face of this evidence to accept the company's story that Raju Kahar had become from 4th June, 1959 a domestic servant of the Director. Evidently, this story has been put forward to deprive Raju Kahar of certain statutory dues of bonus and provident fund to which he was entitled as an employee in the colliery and which he would not be entitled to as a domestic servant.

10. I also find it impossible to believe the company's story that Raju Kahar had stopped working from 14th May, 1960. The company has not led any evidence in support of this story nor was Raju Kahar even questioned about it in his cross-examination by Shri Chowra. The union's case, and I accept it as true, is that from November 1959 this company stopped payment of wages and bonus to Raju Kahar and that on 21st May, 1960 Raju Kahar was told that he was no longer in service. This is the case as stated by the union in its letter to the Conciliator dated 1st June, 1960. This is further borne out by the fact that the company paid Raju Kahar's wages from November 1959 to 14th May, 1960 and bonus for quarters ending December 1959 and March 1960 during the conciliation proceedings on 29th July, 1960, the total amount paid being Rs. 597.22nP. It is further admitted that this amount was paid by Shri Chowra on behalf of the company. From the evidence I have not the least hesitation in holding that the company's story that Raju Kahar stopped attending for work from 14th May, 1960 is untrue and was put forward as an after thought and that Raju Kahar's statement that he was refused work and thus dismissed from service from 31st May, 1960 is correct.

11. It is necessary to state that the East Jeenagora Colliery Co. (P) Ltd.,—the managing contractors—had before the Conciliation Officer filed a writing dated 6th September, 1960 stating that Raju Kahar was not their employee. This contention was upheld by Government who by its letter dated 26th October, 1960 informed the parties that Raju Kahar was not the employee of the East Jeenagora Colliery Co. (P) Ltd., as he was not on their pay roll when they took over the

colliery in June 1959. But it was never the union's case that Raju Kahar was the employee of the East Jeenagora Colliery Co. (P) Ltd. Therefore Shri Mahesh Desai on behalf of the union addressed a representation dated 11th November, 1960 to the Hon'ble Minister for Labour and Employment and thereafter he received a reply from the Labour Ministry dated 20th December, 1960 that it was open to the union to raise an industrial dispute with regard to this workman against this company viz., the Khas Jeenagora Coal Co. (P) Ltd., who were his employers under law. Accordingly a fresh dispute was raised on 31st December, 1960 against this company i.e. the Khas Jeenagora Coal Co. (P) Ltd., and conciliation proceedings followed which ended in failure as stated by the Conciliation Officer in his report dated 18th April, 1961 after which this reference was made on 28th August, 1961.

12. On these facts and circumstances I am more than satisfied that Raju Kahar was dismissed by this company from its service on or about 21-5-1960 and that his dismissal was not justified. I am of the opinion that the story put forward by the employer company is false and that Raju Kahar was wrongfully and unjustifiably dismissed from service. I, therefore, answer the first question under reference by holding that the termination of the services of Raju Kahar was not justified.

13. The next question to consider is what relief he is entitled to. Shri Mahesh Desai has prayed for reinstatement in service with full back wages. There is no good reason shown by the company why an order for reinstatement should not be made. I, therefore, direct that Shri Raju Kahar should be reinstated in service by Messrs. Khas Jeenagora Coal Co. (P) Ltd., within 15 days from the publication of this award in the official gazette and that the company shall pay him the arrears of his wages from the date of his dismissal i.e. 21-5-1960 also within 15 days of the publication of this award.

14. I think this is a fit case where I should make an order for costs in favour of the union. I, therefore, order the management to pay Rs. 100 as costs to the union, the costs to be paid within 15 days of the date the award becomes enforceable.

SALIM M. MERCHANT,
Presiding Officer,
Central Government Industrial Tribunal,
Dhanbad.
[2/110/61-LRII.]

ORDER

New Delhi, the 14th December 1961

S.O. 3034.—Whereas an industrial dispute between the employers in relation to the Dalmia Cement (Bharat) Limited, Post Office Dalmiapuram, Tiruchirappalli district, and their workmen in relation to the matters specified in the Schedule hereto annexed was referred for adjudication to the Industrial Tribunal at Dhanbad, by the order of the Government of India in the Ministry of Labour and Employment No. S.O. 2907 (F. No. 63/9/58-LRII) dated the 28th November 1960;

And whereas a number of proceedings are pending adjudication before the said Tribunal and the Central Government considers it desirable that the said dispute should be adjudicated expeditiously;

Now, therefore, in exercise of the powers conferred by section 7A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a Tribunal of which Shri K. Ramuswamy Gounder, B.A., M.L., shall be the Presiding Officer, with headquarters at the First Line Beach, Madras-1, and, in exercise of the powers conferred by sub-section (1) of section 33B of the said Act, withdraws the proceeding in relation to the said dispute pending before the Industrial Tribunal, Dhanbad and transfers the same to the Industrial Tribunal, First Line Beach, Madras-1 aforesaid for the disposal of the proceeding.

SCHEDULE.

- (a) Whether the Quarry workers of Dalmia Cement (Bharat) Ltd., have been paid in full their entitled wages from October, 1957 till 15th February 1959? If not, what further amounts are due and payable to them?

(b) If the fall in the earnings of the workmen during the period October, 1957 to 15th February 1959 was due to no fault of theirs or was on account of failure on the part of the management to provide sufficient work, what is the relief, if any, to be provided to them and the extent thereof?

(c) Should the work load and wages be calculated on daily wages?

[No. 63/9/58-LRII.]

A. L. HANDA, Under Secy.

